

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: August 25, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 049-19 FOR 9/1/20 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off () Uniform-Yes () No (X)</u>
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Van Nuys	10/16/19	10:23 a.m.	
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Whitney, M./Det. I	14 years, 6 months

<u>Total Involved Officer(s)</u>

1 x Capt. III
1 x Sgt. I
1 x Det. II
3 x Det. I
1 x PO III
1 x PO II
1 x PO I

<u>Suspect</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Lazzeri James Frazier Jr.: Male Black, 21 years of age.

COP Recommendations

Tactics – Administrative Disapproval, Captain Oddo, Detective Phillips, and Officer Romines. Tactical Debrief, Detectives Whitney, Lopez, and Ruiz, Sergeant Lankford, and Officers Vela, and Villegas.

Drawing/Exhibiting – In Policy, No Further Action, Detectives Whitney, Lopez, and Ruiz, and Officers Vela, and Villegas.

Lethal Use of Force – In Policy, No Further Action, Detective Whitney.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Annotated Force Investigation Division (FID) Incident Summary¹

Synopsis: On Wednesday, October 16, 2019, at approximately 0600 hours, Los Angeles Police Department (LAPD) Gang and Narcotics Division (GND) Gang Field Unit (GFU) personnel conducted surveillance for a wanted murder suspect. The suspect exited his apartment complex. Van Nuys Patrol Division uniformed officers, who assisted with the surveillance, attempted to arrest the suspect. The suspect ran from officers and a foot pursuit ensued. The suspect pointed a handgun at the officers resulting in an Officer-Involved Shooting (OIS).

Background

On Monday, October 14, 2019, at 1225 hours, Van Nuys Patrol Division uniformed officers responded to a radio call of an “*ambulance shooting just occurred*” at 14640 Burbank Boulevard. When the officers arrived, they located a male victim suffering from multiple gunshot wounds. Los Angeles Fire Department (LAFD) personnel arrived and determined the victim was dead at the scene. Operations Valley Bureau (OVB) Homicide detectives responded, investigated the homicide, and documented the investigation on LAPD Investigative Report (IR), Divisional Report (DR) No. 1909-18317 (Addendum No. 1).

On Tuesday, October 15, 2019, at 2240 hours, Van Nuys Patrol Division uniformed Police Officer III Julio De Leon, Serial No. 39040, and Police Officer I Dennis Eames, Serial No. 43679, assigned Unit 9A23, Watch Three, responded to a radio call of a “*robbery in progress*” at Amar Liquor Store, located at 14900 Burbank Boulevard.² The suspect was a male Black, who entered the liquor store, produced a handgun, threatened to kill the cashier and robbed the liquor store. This robbery was captured on Amar Liquor Store’s surveillance camera system. The suspect was gone upon the officers’ arrival, and the officers completed a LAPD Investigative Report (DR) No. 1909-18390 (Addendum No. 2).

According to the IR, Van Nuys Patrol uniformed Police Officer II Alvin Clark, Serial No. 39087, and Police Officer II KC Oxford, Serial No. 39772, assigned Unit 9X84, Watch five, assisted with the robbery investigation and canvassed the area for the robbery suspect.³ During the canvass, “*a man causing a disturbance*” radio call was broadcast

¹ The Incident Summary presented here is reproduced from FID’s report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an “OIG Note.” All other references and citations in the reproduced FID Incident Summary (e.g., Investigators’ Notes or Addenda Items) are reproduced directly from FID’s report. Unless otherwise stated, all information provided in OIG annotations is derived from FID’s investigation of this incident.

² Watch Three denotes Los Angeles Police Department Patrol shift from 7:15 post meridiem (PM) to 7:15 ante meridiem (AM).

³ Watch five denotes Los Angeles Police Department Patrol shift from 5:00 PM to 3:00 AM.

at 5461 Kester Avenue, Incident No. 191015006654, and Officers Clark and Oxford met with the person reporting (PR) the disturbance. The PR directed the officers to a mailbox with the name of Lazzeri Frazier Jr. Officer Clark recognized that name from a prior contact with Frazier Jr. Officer Clark also reviewed video footage from the Amar Liquor Store's robbery, and he identified Lazzeri Frazier Jr. as the robbery suspect.⁴

At approximately 2355 hours, Van Nuys Patrol Division uniformed Sergeant I Jesse Mojica, Serial No. 34802, assigned Unit 9L40, Watch three, directed two Watch three Van Nuys Patrol Division uniformed Units 9A19, Police Officer III Ko Kim, Serial No. 41539, Police Officer I Angel Saldivar, Serial No. 43740, and Unit 9A37, Police Officer III William Gutierrez, Serial No. 36270, and Police Officer I Riley Reese, Serial No. 43909, to monitor Frazier Jr.'s apartment complex.

Operations-Valley Bureau (OVB) Homicide detectives developed leads and identified Lazzeri James Frazier Jr. as the suspect responsible for the homicide at 14640 Burbank Boulevard, in addition to the robbery of Amar Liquor Store. Homicide detectives determined Frazier Jr. resided at 5461 Kester Avenue, apartment No. 103, Sherman Oaks.

On Wednesday, October 16, 2019, at approximately 0500 hours, OVB Homicide detectives requested the assistance from GFU personnel and asked they conduct a surveillance of Frazier Jr.'s apartment and attempt to apprehend him. Operations-Valley Bureau Homicide detectives briefed the GFU personnel of Frazier Jr.'s physical description, place of residence, and advised he was wanted for murder and robbery. Operations-Valley Bureau Homicide detectives added Frazier Jr. was considered armed and dangerous, and they provided GFU personnel still photographs, obtained from surveillance cameras, when Frazier Jr. committed the homicide and the robbery. The photographs depicted Frazier Jr. with a distinct small yellow backpack he carried, a bleached patch of hair above the left temple and the clothing he wore. Homicide detectives also advised the GFU that Frazier Jr.'s apartment was on the first floor, south of main entrance and his window faced onto Kester Avenue.

Investigative Summary

The GFU personnel assigned to the operation consisted of Detective II Marc Phillips, Serial No. 26412, Detective I Michael Whitney, Serial No. 37517, Detective I Antonio Lopez, Serial No. 35588, Detective I Joel Ruiz, Serial No. 35739, and Police Officer II John Romines 34946.⁵ All GFU personnel assigned to this tactical operation were in

⁴ Suspect Frazier Lazzeri Jr., 21-year-old, male, Black, 5 feet, 9 inches tall, 145 pounds.

⁵ Detective Phillips, 31 years with the Department, 56 years old, 6 feet, 2 inches tall, 235 pounds. Detective Whitney, 14 years, 6 months with the Department, 47 years old, 5 feet, 10 inches tall, 195 pounds. Detective Lopez, 19 years, 10 months with the Department, 46 years old, 5 feet, 9 inches tall, 195 pounds. Detective Joel Ruiz, 18 years, 4 months with the Department, 47 years old, 5 feet, 7 inches tall, 200 pounds. Officer Romines, 20 years, 8 months with the Department, 45 years old, 5 feet, 9 inches tall, 190 pounds. Gang Field Unit members were wearing their Department issued tactical vests and were equipped with their service weapons, handcuffs, TASERs, oleoresin capsicum (OC) sprays

plain clothes, driving alone, in unmarked police vehicles. Gang and Narcotics Division, GFU personnel were not equipped with Body Worn Video (BWV) and their vehicles were not equipped with Digital-In Car Video Systems (DICVS).

Note: Gang and Narcotics Division, GFU personnel were equipped with their Department issued ballistic vest; however, during the surveillance, they were not wearing their vests to maintain their undercover status. This exemption from wearing their vests was indicated in the Operational Plan which was approved by the Commanding Officer of Gang and Narcotics Division.

According to Detective Phillips, GFU is a surveillance/apprehension unit and its purpose is to assist detectives in locating and apprehending violent wanted suspects.

Detective Phillips indicated that once OVB Homicide detectives completed the briefing at Van Nuys Station, he directed Officer Romines to complete an Operational Plan. The GFU's plan was to set up surveillance around Frazier Jr.'s apartment building and monitor the area for any sighting of him. In the event Frazier Jr. exited the apartment building, he was to be allowed to walk away from the building prior to calling in assigned uniform resources to conduct a high-risk pedestrian stop and for GFU personnel to assist patrol if needed. Detective Phillips stated this plan was to avoid a barricaded or hostage situation in the event Frazier Jr. ran back to the apartment building. Detective Phillips added that in the event Frazier Jr. was identified as being inside the apartment, but he did not exit, OVB Homicide detectives were in the process of writing an arrest warrant for Frazier Jr. and a search warrant for his residence. The plan was to notify Metropolitan Division, Special Weapons and Tactics (SWAT) to serve the search warrant. Additionally, the surveillance team was directed to utilize channel 54 for communications (Addendum No. 3).

At approximately 0550 hours, Detective Phillips directed GFU personnel to deploy and set up the surveillance around Frazier Jr.'s apartment. Officer Romines remained at Van Nuys Police Station to complete the Operational Plan. Once he completed the plan, Officer Romines emailed it to Detective Phillips for his review. According to Detective Phillips, he forwarded the Operational Plan to GFU Detective III Kent Oderinlo, Serial No. 26494, and GFU Lieutenant II Charles Baley, Serial No. 31153. According to GND's Commanding Officer, Captain III Anthony Oddo, Serial No. 26588, he received the Operational Plan, via email, from Lieutenant Baley at 0814 hours. Captain Oddo stated he reviewed and approved the operational plan within 30 minutes of receiving it from Lieutenant Baley (Addendum No. 4).

Note: Captain Oddo explained to FID detectives this is the review process he employs to approve all operational plans for all the units under his command.

(excluding Officer Romines) and Hobble Restraint Devices (HRD). Detective Lopez was equipped with a 40mm Less-Lethal Launcher.

OIG Note No. 1: Captain Oddo told FID, “GND has a divisional policy that I believe I've just sent out an e-mail. It's not a -- a divisional order, but basically, every operational plan has to be approved by me as the CO, prior to officers working the operation. So it can be verbal if time is of the essence, but generally, it is e-mailed to me either the night before or the day of. I will then review that on my iPad or my phone on off-duty hours or on my desktop on on-duty hours. Once I review that game plan, I then send an e-mail to the CO of Detective Bureau and the assist CO of Detective Bureau. That would be Anne Clark and Chris Pitcher. And I would -- I advise them that I have reviewed and approved an operational plan from -- and then I'll just list the unit.” Captain Oddo was asked if that was what happened for this incident, and he replied, “Yes”.⁶

According to Detective Phillips, before he left Van Nuys Station to join the surveillance, he met with Van Nuys Patrol Division Watch Commander, Sergeant Mojica, who provided him the telephone numbers for Officers Kim and Gutierrez. Detective Phillips stated he made telephonic notification to these officers, advised them GFU personnel was en route to set up the surveillance and briefed them of the plan to allow Frazier Jr. to walk away from the apartment building and to move in when requested to conduct a high-risk pedestrian stop. Officers Gutierrez and Reese remained with the surveillance operation as uniform resources until they were relieved.

Note: Officers Kim, Saldivar, Gutierrez and Reese were not interviewed for this investigation. These officers did not participate in the apprehension of Frazier Jr. due to the fact they were relieved of their duties by a Watch two patrol unit prior to the OIS.⁷

According to Detective Whitney, at approximately 0600 hours, he arrived at 5461 Kester Avenue. Detective Whitney set up as point in the surveillance, meaning he had a direct line of sight to the front of the apartment building, and parked his vehicle facing west, along the north curb of Albers Street, just east of Kester Avenue. Detective Whitney indicated he had an unobstructed view of the main entrance gate to the apartment building. Detective Lopez positioned himself facing north, along the east curb of Kester Avenue, and Clark Street to cover any movement north. Detective Ruiz positioned himself facing south, along the west curb of Kester Avenue, south of Burbank Boulevard, to cover any movement south. Detective Phillips positioned himself facing west, along the north curb of Burbank Boulevard east of Kester Avenue. Uniformed resources were positioned facing east, along the south curb of Burbank Boulevard west of Kester Avenue.

⁶ Captain Oddo's statement, Page 4, Lines 3-20.

⁷ Watch two denotes Los Angeles Police Department Patrol shift from 6:45 AM to 6:45 PM.



Officers' initial positions during the surveillance

Detective Whitney indicated that once the surveillance was set up, Air Support Division (ASD) was notified and advised of the operation. Air Support Division was advised to have the Air Unit assigned to Valley Bureau monitor channel 54. According to Detective Phillips, he notified Communications Division (CD), placed the GFU Code Six and requested a Code Five around 5461 Kester Avenue, Incident No. 191016000716.⁸

At approximately 0615 hours, Van Nuys Patrol Division, Watch two, Assistant Watch Commander Sergeant II Joseph Tafoya, Serial No. 41893, met with Sergeant Mojica, who was the Watch three, Watch Commander. According to Sergeant Tafoya, Sergeant Mojica briefed him of the surveillance operation, and requested for a Watch two unit to relieve Officers Gutierrez and Reese from the surveillance. Sergeant Tafoya added he discussed the incident during the Watch Two roll call, so everyone was aware GFU was surveilling a murder suspect⁹ (Investigators' Note No. 1).

At approximately 0740 hours, Van Nuys Patrol Division uniformed Police Officer III Arturo Vela, Serial No. 38872, and Police Officer I Jose Villegas, Serial No. 43743,

⁸ Code Five denotes units conducting surveillance in the area. Code Six denotes the unit has arrived at the scene.

⁹ Sergeant Tafoya, seven years, nine months with the Department, 55 years old, 6 feet tall, 200 pounds. Sergeant Tafoya was in full uniform, wearing his department issued service body armor, equipped with BWV, his service weapon, handcuffs, Oleoresin Capsicum (OC) spray, and Hobble Restraint Devices (HRD).

assigned to Unit 9A5 Watch two, relieved Officers Gutierrez and Reese.¹⁰ Officers Vela and Villegas were equipped with BWV and their vehicle was equipped with DICVS. The officers' BWVs were activated and captured portions of the incident.

According to Detective Phillips, he received a phone call from Officer Vela. Detective Phillips briefed Officers Vela and Villegas of the operational plan over the phone. Officer Vela stated he used the speaker mode in his cellular telephone for Officer Villegas to hear the briefing. Officer Vela added Detective Phillips texted him a photograph of Frazier Jr. According to Officer Vela, he and Officer Villegas recognized Frazier Jr. from the photograph because they had prior contacts with him. Officer Vela indicated he and Officer Villegas understood the plan was to allow Frazier Jr. to walk away from the apartment building before he and Officer Villegas would approach and conduct a high-risk pedestrian stop. The plan was to prevent Frazier Jr. from running back to his apartment building and barricade himself.

OIG Note No. 2: *Officer Vela did not indicate that he had prior contacts with Frazier, Jr. He initially stated, "My partner had a prior contact with him, and we also just talked to the officers that arrested him prior where he was violent."¹¹ Officer Vela later clarified that he was not certain that his partner had any prior contacts with Frazier, Jr. He stated, "And then my partner as well, he was talking about it too because he had dealt with him too. I don't know if he dealt with him that I recall, or he just remembers that incident. If I remember, he was like, yeah, this guy is -- 415."¹²*

OIG Note No. 3: *According to Officer Villegas, he was in Phase 3 of his probationary period at the time of this incident. During his interview, he told FID about having had a prior contact with Frazier, Jr. Officer Villegas stated, "And then I have had a prior encounter with the suspect as well. ... It was an assisting another unit and booking the suspect here at Van Nuys Station."¹³*

Officer Vela and Officer Villegas had worked together for approximately six weeks. Officer Vela was assigned as Officer Villegas' Field Training Officer (FTO), and they discussed tactics daily. Officer Vela was the passenger, and he was assigned as the

¹⁰ Officer Vela, 12 years, three months, with the Department, 42 years of age, 5 feet, 8 inches tall, 172 pounds. Officer Villegas, one year with the Department, 27 years of age, 6 feet tall, 160 pounds. Officers Vela and Villegas were wearing their department issued vests and were equipped with their BWV's, service weapons, handcuffs, Model X26P TASERs, Oleoresin Capsicum (OC) sprays and Hobble Restraint Devices (HRD). The officers had their side-handle batons in their vehicle; however, both were equipped with BWV, ASP batons, attached to their Sam Browne equipment belts.

¹¹ Officer Vela's statement, Page 8, Lines 15-18.

¹² Officer Vela's statement, Page 33, Lines 8-14.

¹³ Officer Villegas's statement, Page 22, Lines 19-25.

contact officer. Officer Villegas was the driver, and he was assigned as the cover officer. Officer Vela stated they discussed the possibility Frazier Jr. might run, discussed foot pursuit tactics, and identified the surrounding streets in case the need arose to set up a perimeter. The officers also discussed the high-risk prone technique and Officer Vela emphasized to Officer Villegas to use the police vehicle as cover. Officer Vela explained to Officer Villegas the importance of uniform presence and the fact that they would initiate contact with Frazier Jr.

According to Detective Lopez, at approximately 0800 hours, he relieved Detective Whitney as point on the surveillance. Detective Lopez parked his vehicle facing north along the east curb of Kester Avenue, south of Albers Street. Detective Lopez positioned himself to have a clear and unobstructed view of Frazier Jr.'s apartment window and the building entrance. Detective Whitney moved and positioned himself south of the apartment complex, on Clark Street, west of Kester Avenue.

Per Detective Lopez, at approximately 0900 hours, he observed the blinds located inside Frazier Jr.'s apartment window move. Detective Lopez broadcast and alerted everyone in the surveillance of his observations. Approximately 20 minutes later, Detective Lopez observed the blinds and the window open. Detective Lopez positively identified Frazier Jr. inside his apartment and alerted the surveillance team of his observations. Detective Lopez stated he used binoculars and observed Frazier Jr. approach the window three additional times. Detective Lopez observed Frazier Jr. was shirtless, had a red scarf around his neck, confirmed Frazier's tattoos and verified the bleached patch of hair above Frazier Jr.'s left temple.

Detective Lopez indicated that few minutes later, he observed Frazier Jr. exit via the front door of the apartment building. He observed Frazier Jr. was shirtless, wearing a red scarf around his neck, a small yellow backpack strapped to his back, gray sweatpants, white socks, and black Nike sandals. Frazier Jr. stood on the doorsteps leading up to the building's main entrance and used his cell phone. Detective Lopez alerted the surveillance team and broadcast his observations.

According Detective Lopez, he observed Frazier Jr. walk north along the west sidewalk on Kester Avenue. Detective Lopez broadcast his observations that Frazier Jr. was walking north. According to Detective Phillips, he switched his radio to Van Nuys Base frequency and when Frazier Jr. reached Detective Ruiz' location, he broadcast, "*5K523, we are following a 187 suspect, requesting a back-up, airship and a supervisor to Kester northbound toward Burbank. Suspect is a male Black, wearing a yellow backpack, yellow scarf. He is 509", 145, approximately 22 years of age.*"

Note: Detective Lopez was not positive of the exact times he observed Frazier Jr. at the window or when Frazier Jr. exited the apartment building and began to walk north on Kester Avenue. Detective Lopez believed it happened after 0900 hours or at least an hour after he relieved Detective Whitney as point.

According to Detective Phillips, the first time Detective Lopez alerted the team he observed movement at Frazier Jr.'s window was at approximately 1000 hours. Furthermore, Detective Phillips estimated it was approximately 1015 hours when Detective Lopez alerted the team that Frazier Jr. exited the apartment building. The investigation determined Detective Phillips broadcast for the backup request was done at 1021 hours.

According to Detective Ruiz, he was parked facing south on the west curb of Kester Avenue, south of Burbank Boulevard. Detective Ruiz stated the surveillance point was turned over to him when Frazier Jr. walked north toward Burbank Boulevard. When Frazier Jr. walked past Detective Ruiz' vehicle, he directed the Air Unit to come overhead on channel 54. Simultaneously, Detective Ruiz heard Detective Phillips' broadcast requesting a back-up. Detective Ruiz looked through his rear-view mirrors and observed Officers' Vela and Villegas patrol vehicle traveling south on Kester Avenue from Burbank Boulevard with the red and blue overhead lights on. Detective Ruiz observed Frazier Jr. stop, with a surprised look on his face.

When Frazier Jr. stopped walking, Detective Ruiz observed him reach into his right front pants pocket with his right hand. Frazier Jr. began to turn to his right, removed a handgun from the right pants pocket, and ran south on the west sidewalk. Detective Ruiz broadcast his observations on channel 54, "*He's got a gun, he's got a gun, he's got a gun*".¹⁴

According to Officer Vela, upon hearing the broadcast that Frazier Jr. was approaching Burbank Boulevard, he directed Officer Villegas to drive up to the corner of Burbank Boulevard and Kester Avenue. Officer Vela indicated that based on Frazier Jr.'s violent history, he wanted to make contact with him before he reached the shopping center mini-mall at the intersection of Burbank Boulevard and Kester Avenue, but they had a brief delay because a truck pulled in front of Frazier Jr. and blocked them from making contact with him at that moment. Officer Vela exited the vehicle and observed Frazier Jr. reach into his left front pants pocket, remove a gun, simultaneously turn away, and run south on Kester Avenue. Officer Vela added he observed Frazier Jr. transition the gun from his left hand to right hand, as he ran south. Officer Vela stated "*Partner stops the car. He -- we both exited, and I could see him -- I could see the butt end of the gun in his pocket, in his -- to his left pocket, front pants or shorts pocket. At the same time, as he's taking it out, he turns away from me and starts running. And then as he's running, some point, he exchange, and I can now see it on his right hand, and he's holding it to his side now.*"¹⁵

According to Officer Vela's BWV, at 10:21:40 hours, while traveling south on Kester Avenue from Burbank Boulevard, Officer Vela pointed south and said, "*My side, my side, in front of the truck, in front of the truck.*" At 10:21:45 hours, Officer Vela exited the police vehicle with his handheld radio in his left hand, walked south on the west

¹⁴ Detective Ruiz' statement, Page 20, Line 19.

¹⁵ Officer Vela's statement, Page 16, Lines 3-10.

sidewalk of Kester Avenue and alerted Officer Villegas that Frazier Jr. was going to run. At 10:21:52 hours, Officer Vela ran south in foot pursuit of Frazier Jr. as a silver Toyota Tacoma truck drove out of the driveway in front of him. Simultaneously, the broadcast by Detective Ruiz that Frazier Jr. had a gun was heard on BWV. At 10:22:03 hours, Officer Vela unholstered his pistol with his left hand as he ran in pursuit of Frazier Jr. Per Officer Vela, the reason he unholstered his pistol was because he observed Frazier Jr. looking from side to side attempting to locate him, and he believed Frazier Jr. was going to point the gun and fire at him.

Officer Vela added he was in apprehension mode during his foot pursuit because Frazier Jr. had already shown he was violent and killed a person. Officer Vela stated his goal was to stop Frazier Jr. as quickly as he could.

OIG Note No. 4: Officer Vela was asked by FID, “What was your mode when it comes to the foot pursuit?” Before Officer Vela provided an answer to the question, FID again asked, “What was your mode? I don’t know if you understand the question. We have two - - two modes of pursuing of foot pursuits.” Officer Vela responded to the question without stating his mode of foot pursuit. FID then asked him whether he was in more of a containment mode or an apprehension mode during the foot pursuit. Officer Vela again responded to the question without identifying his mode of foot pursuit. FID then asked him, “So your goal is to apprehend him?” Officer Vela responded, “Apprehend him.”¹⁶

According to Officer Villegas, Officer Vela attempted to make contact with Frazier Jr., but he ran south on Kester Avenue. Officer Villegas stated he and his partner went in foot pursuit of Frazier Jr. Officer Villegas observed Frazier Jr. holding a black handgun in his right hand as he ran away. Officer Villegas stated, “As we were running, I observed the suspect holding a black - - black handgun in his right hand.”¹⁷ Officer Villegas ran on the street and used parked vehicles and trees as cover. Officer Villegas also ensured he stayed in close proximity with Officer Vela during the foot pursuit.

According to Detective Whitney, upon hearing Detective Lopez’ broadcast that Frazier Jr. exited the apartment building and while seated in his vehicle, he donned his Department-issued tactical vest. Detective Whitney reached for his Department-issued M4 Benelli shotgun, which was loaded to patrol ready, located next to him on the front passenger seat. Detective Whitney slung his shotgun around his neck, placed the shotgun between his legs with the barrel facing toward the floorboard, and charged the shotgun.¹⁸ Detective Whitney drove to Kester Avenue north of Clark Street, pulled over to the east side curb, facing north, and waited for further information.

¹⁶ Officer Vela’s statement, Page 61, Lines 4-24.

¹⁷ Officer Villegas’ statement, Page 14, Lines 18-20.

¹⁸ Charged the shotgun means that Detective Whitney pulled the shotgun’s charging handle back and released it forward, causing a round to load into the shotgun’s chamber.

As Detective Whitney waited at the curb, he observed Officers' Vela and Villegas police vehicle traveling south on Kester Avenue from Burbank Boulevard with the overhead lights on and heard Detective Ruiz' broadcast that Frazier Jr. was running south and had a gun. Detective Whitney drove north, on the number one lane, on Kester Avenue. As he traveled north and was approximately 20 to 30 yards from the front entrance to Frazier Jr's apartment building, Detective Whitney observed Frazier Jr. running south at full speed, on the west sidewalk, while holding a small black pistol in his right hand. Detective Whitney estimated Frazier Jr. was approximately 30 to 40 feet north of his apartment building's front entrance.

Detective Whitney drove across the southbound lanes of Kester Avenue, stopped and parked his vehicle at a 45-degree angle, facing toward the front entrance of Frazier Jr.'s apartment building. Per Detective Whitney, he exited his vehicle, stood next to the driver side door, and used his vehicle's engine block for cover, as he assumed a low-ready position with his Benelli shotgun. Detective Whitney observed a male Black, later identified as Witness Jahmone Duhaney, standing in the grass area, just south of the apartment building's main entrance. Detective Whitney stated he was concerned Duhaney might be related to Frazier Jr. or believed that Frazier Jr. could take him hostage, walk into his apartment, and barricade himself with Duhaney.¹⁹

Note: Witness Duhaney was located, identified, and interviewed on October 31, 2019, during a canvass by FID detectives.

According to Detective Whitney, he identified himself as the police, Frazier Jr. looked at him and while holding the gun in his right hand, Frazier Jr. began to raise the gun in his direction. Detective Whitney believed Frazier Jr. was going to shoot him. In fear for his life and to protect himself from imminent death or great bodily injury, Detective Whitney disengaged the safety of his shotgun, aimed for Frazier Jr.'s center body mass, and fired one shot at him. Detective Whitney stated "*And he looked at me, and the gun came up in my direction, and I thought - - I thought for sure he was going to shoot me. I was afraid he was going to shoot me. And fearing for my life and to protect myself from imminent, well, I don't - - great bodily injury or death, I fired one round. And - - and, just, I disengaged the safety and fired one round.*"²⁰

According to Detective Whitney, after he fired the shot, he assessed and observed Frazier Jr. stumble forward and fall onto the sidewalk; with his head pointing southwest and his feet pointing toward the curb of Kester Avenue. Detective Whitney observed Frazier Jr. was still holding the gun in his right hand. According to Detective Whitney, from his peripheral view, he observed the pursuing officers approaching Frazier Jr. from the north. Frazier Jr. was still moving, holding the gun in his right hand. Detective Whitney stated he stepped around to the front his vehicle and took two or three steps toward Frazier Jr. to close the distance and to better assess Frazier Jr.'s actions.

¹⁹ Witness Jahmone Duhaney, male Black, 34 years old.

²⁰ Detective Whitney's statement, Page 17, Lines 6-12.

Furthermore, Detective Whitney felt by moving up from his original position, he would be able to deliver more effective shots, if needed.

According to Detective Whitney, Frazier Jr. was attempting to sit up, while pointing the gun in a northerly direction toward the pursuing officers. In fear Frazier Jr. was going to shoot his partners and the uniform officers, and to defend them from imminent threat of great bodily injury or death, Detective Whitney aimed at Frazier Jr.'s lower, mid-right, back and fired a second shot from his shotgun. Detective Whitney assessed, and believed his second shot missed, because it did not have an effect on Frazier Jr., since he continued to point his gun in a northerly direction toward the pursuing officers.

Detective Whitney, believed Frazier Jr. continued to pose a threat to the approaching officers, because his second shot did not stop Frazier Jr.'s actions. Detective Whitney aimed at Frazier Jr.'s back, center mass, and fired a third shot from his shotgun. Detective Whitney assessed and observed Frazier Jr. collapse onto his left side, and he was no longer able to see Frazier Jr.'s gun. Detective Whitney then redeployed to the passenger side of his vehicle, using the engine block as cover.

Detective Whitney stated "*he was pointing it in the direction down northbound towards the people that were coming, and I pressed the second round and assessed over my sights, and it didn't seem to have the -- it didn't stop him from doing what he was doing. He -- I don't know if I missed him or if maybe I didn't hit him with all the pellets or what happened, but it didn't seem to have an effect. And he continued to lean north, and I pressed the third round. And he collapsed over onto his left side.*"²¹

Detective Whitney added "*Yeah. That first round, I totally thought he was going to shoot me. He had me -- he had locked eyes with me, and that gun was coming up. And then when he was rolling northbound, I was convinced that he was going to shoot my partners that were coming down the sidewalk. And as -- I shot those rounds to -- I fired round two and three to protect them from imminent great bodily injury or death as well.*"²²

Note: According to Detective Whitney, he utilized the red dot optic, mounted on top his shotgun, while firing all three shots at Frazier Jr. Detective Whitney added, this optic allows him to shoot while keeping both eyes open; furthermore, the optic superimposes a red dot when aimed at a target.

As Officers Vela and Villegas engaged in a foot pursuit after Frazier Jr., Detective Ruiz drove south on Kester Avenue, parked just north of the front entrance of Frazier Jr.'s apartment complex, and redeployed behind the driver side door of a light blue Toyota Camry, license plate No. 6MWD314, which was parked in front of 5461 Kester Avenue.

²¹ Detective Whitney's statement, Page 18, Lines 16-25.

²² Detective Whitney's statement, Page 21, Lines 6-13.

Per Officer Vela's BWV, at 10:22:12 hours, a gunshot was heard. One second later, Officer Vela dropped his handheld radio and he transitioned to a two-hand grip on his pistol. At 10:22:16 hours, Officer Vela turned around, ran north to retrieve his handheld radio. As he reached down for the handheld radio, a second gunshot was heard at 10:22:18 hours. At 10:22:20 hours, a third gunshot was heard, followed by a fourth gunshot one second later at 10:22:22 hours. Officer Vela redeployed from the sidewalk onto the street and positioned himself to the rear trunk of the same light blue Toyota Camry where Detective Ruiz had redeployed. At 10:23:10 hours Witness Duhaney came into view, as he is walking backwards toward Kester Avenue.

Note: The FID investigation determined the fourth gunshot heard on Officer Vela's BWV was fired by Frazier Jr. Force Investigation Division detectives located a discharged, .380 cartridge casing, fired from Frazier Jr.'s handgun, and an impact on the sidewalk, next to Frazier Jr.

Officer Villegas stated, "*I hear two gunshots, and observed also I guess would be dirt or dust next to where the suspect was laying on the ground, what I perceived to be gunshots coming from the suspect's handgun.*"²³ According to Officer Villegas, he moved up next to Officer Vela, behind the light blue Toyota Camry. Once Detective Ruiz moved, Officer Villegas redeployed to the driver side of the light blue Toyota Camry. Officer Villegas was told by a GFU member he was going to be part of the arrest team, and he was instructed by Officer Vela to put on gloves.

KKTV Fox 11 Los Angeles news was in the area and captured portions of the OIS on video. The video captured Detective Whitney's second and third gunshots as well as the gunshot fired by Frazier Jr. KTTV Fox 11 Los Angeles edited the video footage before it was released to its viewers. Frazier Jr.'s body was blurred at the time of the OIS. The video depicts Detective Whitney standing in front of his vehicle, pointing his shotgun at Frazier Jr., who was lying on the sidewalk. Frazier Jr.'s head pointed in a southwest direction; his feet pointed toward the curb of Kester Avenue and his back was toward Detective Whitney. Duhaney was standing in a planter, with his hands raised to shoulder level, south of the main entrance of 5461 Kester Avenue.

²³ Officer Villegas' statement, Page 15, Lines 18-20.



Still frame taken from Fox News video

Detective Whitney fired his second shot at Frazier Jr., and approximately two seconds later, Detective Whitney fired his third shot at Frazier Jr. Approximately two seconds later, the sound of the gunshot fired by Frazier Jr. was heard. A small cloud of dust and debris can be seen next to Frazier Jr's head after Frazier Jr. fired his gun.



Still frame taken from Fox News video

Detective Whitney then redeployed to the front passenger side door of his vehicle. Simultaneously, Detective Lopez stepped in front of his vehicle, which was parked on the number one southbound lane of Kester Avenue.

The investigation determined Detective Whitney fired his first shot at Frazier Jr. from a distance of approximately 27 feet, and his second and third shots were fired from a distance of approximately 15 feet.

Note: During the interview, Detective Whitney stated that he had viewed the KTTV Fox 11 Los Angeles news' video of his OIS (Investigators' Note No. 2).

Witness Jahmone Duhaney, was seen in Officer Vela's BWV and in the KTTV Fox 11 Los Angeles news' video, standing in a planter, just south of the OIS scene, against the apartment complex. According to Duhaney, the morning of the OIS, he was walking south, on the west sidewalk, of Kester Avenue from Burbank Boulevard. Duhaney passed Frazier Jr., who was walking north, on the same sidewalk. A couple of minutes later, Duhaney, who was now just south of Frazier Jr.'s apartment complex's main entrance, heard the voice of a police officer that may have said "freeze", followed by shots being fired. Duhaney turned his head to his left and observed Detective Whitney outside a van shooting from what he perceived to be a rifle. Duhaney stated he thought about recording the incident, but he dropped his cellular telephone, and he chose not to pick it up because he was afraid of getting shot. Duhaney jumped out of the way, raised his arms, and moved against the apartment complex, behind some bushes. Duhaney observed Frazier Jr. on the ground holding a black object in his right hand. Duhaney was not sure if the black object Frazier Jr. had in his hand was a gun.

Duhaney stated he followed orders given by the police, and he was subsequently removed from the immediate area. Duhaney stated "*he kind of gave me a weird look, but I kept walking. A couple of minutes later, I heard this loud commotion and shots being fired, loud shots, police shouting. And when I turned to my left, I saw a police officer, undercover outside of a van shooting a rifle.*"²⁴ Duhaney added referring to Frazier Jr. "*and I saw a black thing in his hand, but I couldn't make it out; I didn't know if it was a gun.*"²⁵

Note: There was a large vacancy sign in the front lawn of Frazier Jr.'s apartment complex, just south of the main entrance. The sign had a white background with black letters and red numbers, and it was approximately four feet wide by six feet long. The vacancy sign, which was held up by two stakes, approximately three feet off the ground, was between Frazier Jr.'s final rest location and Duhaney's location after the OIS.

²⁴ Witness Duhaney's statement, Page 3, Line 22 through Page 4, Line 2.

²⁵ Witness Duhaney's statement, Page 4, Lines 9-11.

According to Officer Vela, he started giving commands to Frazier Jr. Officer Vela noticed Duhaney standing in the grass area, directly behind Frazier Jr. Officer Vela alerted everyone by yelling “*watch our crossfire*”; however, what he meant to say was “*watch our background.*”²⁶ Officer Vela added Duhaney was directed to walk away from the area. Officer Vela and Detective Ruiz redeployed to a small wall, on the north side, of the front entrance of Frazier Jr.’s apartment building, to get a better view of Frazier Jr.’s gun.

The following police personnel responded the help call and scene shortly after the OIS: Van Nuys Patrol Division uniformed Police Officer III Marco Guajardo, Serial No. 36380, and Police Officer I Armando Palomino, Serial No. 43810, assigned to Unit 9A41 Watch two. Police Officer II Roger Gutierrez, Serial No. 40362, and Police Officer II Vincent Ortiz, Serial No. 40173, assigned to Unit 9A23 Watch two. All the officers were equipped with BWV and their vehicles were equipped with DICVS; furthermore, the officers’ BWVs were activated and captured portions of the incident post OIS.²⁷

Note: Officers Gutierrez and Ortiz were not interviewed due to their minimum involvement in this incident.

Van Nuys Patrol Division uniformed Sergeant I Amanda Lankford, Serial No. 40423, assigned Unit 9L50, Watch two, arrived at scene a few seconds post OIS. According to Sergeant Lankford, she walked into the crime scene and observed officers standing behind a parked vehicle along the west curb of Kester Avenue. Sergeant Lankford located Detective Phillips and asked him what he needed. Detective Phillips asked her to take over as the Incident Commander (IC). Sergeant Lankford declared herself as the IC and took over command and control duties.²⁸

Sergeant Lankford formulated a plan to handcuff Frazier Jr. and ensured the arrest team had lethal and less-lethal use of force options. Sergeant Lankford also verified everyone in the arrest team knew their duties. The arrest team consisted of the following personnel: Detective Whitney as lethal cover with his shotgun, Detective Lopez lethal cover for Detective Whitney, with his service pistol, Officer Vela and Officer Villegas were assigned to handcuff Frazier Jr., Officer Gutierrez, was the designated less lethal, equipped with a 40 millimeter less lethal launcher, and Officers Guajardo,

²⁶ Officer Vela’s statement, Page 19, line 4.

²⁷ Officer Guajardo, 16 years, three months, with the Department, 42 years old, 5 feet, 7 inches tall, 195 pounds. Officer Palomino, eight months with the Department, 28 years old, 5 feet, 8 inches tall, 160 pounds. Officers Guajardo and Palomino were wearing their department issued vests and were equipped with their BWV’s, service weapons, handcuffs, Model X26P TASERs, Oleoresin Capsicum (OC) sprays, side-handle batons, and Hobble Restraint Devices (HRD).

²⁸ Sergeant Lankford, nine years and six months with the Department, 38 years of age, 5 feet 7 inches tall, 125 pounds. Sergeant Lankford was wearing her department issued vests and she was equipped with her BWV, service weapon, handcuffs, Model X26P TASER, Oleoresin Capsicum (OC) spray, Hobble Restraint Device (HRD) and a flashlight. She had her side-handle baton in their vehicle.

Palomino, and Romines as additional support if needed, and Sergeant Lankford as the supervisor overseeing the arrest.

Detective Whitney approached Frazier Jr.'s feet first. Detective Whitney covered Frazier Jr.'s upper body, while Officer Vela straddled Frazier Jr.'s legs. Officer Vela grabbed Frazier Jr.'s right hand and passed it to Officer Villegas, who applied a handcuff. Officers Vela and Villegas worked together and removed the small yellow backpack strapped to Frazier's back. Officer Vela moved to his left and straddled Frazier Jr.'s head, and using his right hand, Officer Vela grabbed Frazier Jr.'s left hand, swung it counterclockwise, around Frazier Jr.'s head, and guided it to the small of his back. Officer Vela then passed Frazier Jr.'s left hand to Officer Villegas, who straddled Frazier Jr.'s legs and completed handcuffing him. During the handcuffing, Officer Palomino grabbed Frazier Jr.'s handgun and moved it a few inches, before being instructed by Sergeant Lankford to leave the handgun in place. Officer Palomino placed Frazier Jr.'s handgun back on the sidewalk, where it remained until it was recovered by Forensic Science Division (FSD), Firearms Analysis Unit (FAU) personnel. Officer Palomino assisted handcuffing Frazier Jr. by grabbing and holding his ankles while Officer Villegas handcuffed him.

OIG Note No. 5: *Officer Palomino explained why he picked up Frazier, Jr.'s gun, stating, "I saw that - - since it was my first time seeing someone die in front of me, I saw the - - what I saw is like the suspect kind of move around. Later on they explained to me that's because it might be - - might have been the nerves from person just who is dying. So then that's when I thought - - that's when I saw the gun by the suspect's face. I went - - I went down and in an attempt to just move it away, because I thought - - I thought the suspect was about - - he was conscious and alive and he was trying to grab the gun. So then, I mean, and then when I picked it up and I just moved it like - - about like - - I don't know, I'm not even sure, like two inches. The officers told me to put it on the ground, and I just left it on the ground."*²⁹

According to Detective Whitney, once Frazier Jr. was handcuffed, he directed his attention to the window of Frazier Jr.'s apartment, because it needed it to be cleared, and ensured it did not pose a threat to them. Detective Whitney stated, using his shotgun, he covered the window of Frazier Jr.'s apartment, from the rear of his vehicle. Detective Whitney added, it was during this time, he conducted a tactical reload of his shotgun by loading three new rounds into the magazine tube of his shotgun. Detective Whitney stated he covered the window until Detective Ruiz took him away from that duty and took him to Detective Phillips, who started monitoring Detective Whitney.

Witness Andrew Scott Allen resided on the second floor of 5461 Kester Avenue, and his bedroom's window overlooks Kester Avenue.³⁰ According to Allen on October 16,

²⁹ Officer Palomino's statement, Page 11, Lines 7-21.

³⁰ Witness Allen, male White, 32 years old.

2019, around 10 am, he walked out of the apartment building observed Frazier Jr. walking out, in front of him. Allen stated Frazier Jr. went north on Kester Avenue, and he walked south. Shortly after, Allen walked back upstairs to his apartment, and as he entered his apartment, Allen heard a helicopter overhead and gunshots. Allen walked to his bedroom, looked out the window, and observed Frazier Jr. lying on the sidewalk with a gun in his left hand. Allen added he heard police officers ordered Frazier Jr. to drop the gun. Allen observed Frazier Jr. moving slowly, his left arm was under his body; however, Frazier Jr. was still holding the gun in his left hand. Allen stated the police officers approached Frazier Jr., got the gun away from him, and handcuffed him. Allen stated *“and that’s when I saw the suspect laying on the sidewalk. I could see he had a gun in his left hand, and at that time, I heard officers yelling to drop the gun.”*³¹ Allen continued *“but the gun was still in his left hand.” And I kept watching. “And eventually the cops were able to come over and they got the gun away, and they put him into handcuffs.”*³²

Witness Loubna Haddadi also resided on the second floor of 5461 Kester Avenue, and her bedroom window overlooks Kester Avenue.³³

According to Haddadi, on the day of the OIS, around 10:20 am, a loud noise, which she thought it was a traffic accident, woke her up. She quickly looked out her bedroom window and observed Detective Whitney, standing next to a gray minivan, pointing what she believed to be a rifle at Frazier Jr. Haddadi realized the noise she had heard was a gunshot and not a vehicle accident. Haddadi stated Frazier Jr. was facing in her direction, and she noticed he was wounded. Frazier Jr. had his right hand across his chest, holding his left shoulder. Haddadi heard someone saying Frazier Jr. had a gun, multiple times, and she observed Detective Whitney shot Frazier Jr. in his back, four or five times, and Frazier Jr. fell on the ground. Haddadi stated she observed the police officers approach Frazier Jr., check to see if he was alive, and turn him over. Haddadi observed Frazier Jr. had a gun against his chest.

Haddadi stated *“and the first thing I saw it was a police officer with - - with the - -with the rifle; with the big - - with the big rifle and it was like an African American - - a person standing in front of him.”*³⁴ Haddadi added *“and right after that I can hear someone saying he has a gun, he has a gun” and then the police shot the African American man. And it was like five or four straight shot.”*³⁵ According to Haddadi, things went quiet after the shots, and she added *“the police officer who had the gun moved towards the other - - the rest of the police officer. So, they came in closely. Then they checked if he’s - - if*

³¹ Witness Allen’s statement, Page 4, Lines 9-10.

³² Witness Allen’s statement, Page 4, Lines 16-19.

³³ Witness Loubna Haddadi, female Other, 41 years old.

³⁴ Witness Haddadi’s statement, Page 3, Lines 16-19.

³⁵ Witness Haddadi’s statement, Page 4, Lines 11-15.

*he's alive. Then they turned him and for sure the guy, he, the suspect has the gun against his chest.*³⁶

At approximately 1027 hours, Sergeant Tafoya arrived at scene and took over as the IC. Sergeant Tafoya remained as IC for a few minutes, until he was relieved by Van Nuys Patrol Commanding Officer, Captain I Orlando Chandler, Serial No. 26288, who arrived at scene at approximately 1030 hours. Captain Chandler verified Detective Whitney was the only one involved in the OIS, separated him and Detective Phillips, and assigned supervisors to monitor them.

At approximately 1027 hours, Van Nuys Patrol Division uniformed Sergeant I James Blanchard, Serial No. 38175, also arrived at scene. Captain Chandler directed Sergeant Blanchard to take a Public Safety Statement (PSS) from Detective Whitney. According to Sergeant Blanchard, he took Detective Whitney away from everyone else, sat him inside an available police vehicle, and took a PSS from him. Sergeant Blanchard then transported Detective Whitney to Van Nuys Station, where he monitored him until relieved by Van Nuys Patrol Division uniformed Sergeant I Walter Grant, Serial No. 32945, at approximately 1130 hours.

Note: Officer Palomino's BWV depicted Sergeant Blanchard, standing outside a patrol police vehicle, parked in the middle of Kester Avenue, in front of 5461 Kester Avenue, taking the PSS from Detective Whitney. The BWV showed Officer Palomino checking in police personnel and LAPD, Technology Information Division (TID), Police Surveillance Specialist I Harry Wooten, Serial No. N5238, while Sergeant Blanchard took the PSS from Detective Whitney.

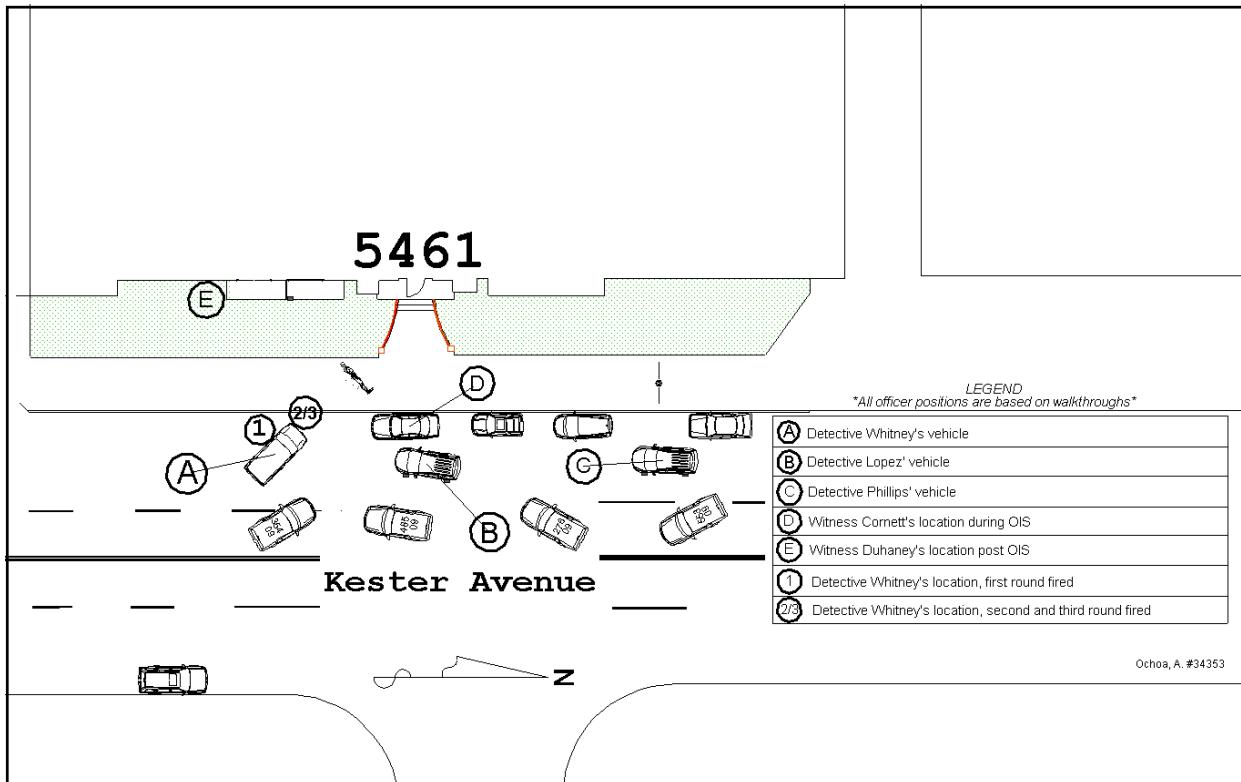
Force Investigation Division Detective II Victor Salguero, Serial No. 31018, reviewed all documents and circumstances surrounding the separation, monitoring and the admonition to officers not to discuss the incident prior to being interviewed by FID investigators (Addendum No. 5).

Force Investigation Division received the Assessment of Supervisor's Response to a Categorical Use of Force from the Commanding Officer of Van Nuys Patrol Division (Addendum No. 6).

Force Investigation Division also received the Assessment of Supervisor's Response to a Categorical Use of Force from the Commanding Officer of Gang and Narcotics Division. (Addendum 7).

³⁶ Witness Haddadi's statement, Page 5, Line 22 through Page 6, Line 2.

Scene Description



Scene Diagram

The OIS occurred in front of 5461 Kester Avenue, in the City of Los Angeles. Kester Avenue is a north/south residential street, measured 62 feet in width, with two lanes of traffic in each direction, and parked vehicles on each side of the street. The neighborhood consisted of single-family residences and apartment buildings. The OIS occurred on October 16, 2019 at approximately 1023 hours. It was a clear and sunny day with the temperatures in the low 90's degrees Fahrenheit.

Canvass for Witnesses

On October 16, 2019, prior to FID arrival, uniformed officers and detectives at scene canvassed the area around the OIS scene. One eyewitness and three heard-only witnesses were located. Frazier Jr.'s father was also identified. This information was turned over to FID detectives.

Witness Joel Whitley was interviewed by FID Detectives. According to Whitley, he did not witness the OIS, he only heard the shots. Following the shots, Whitley stated he came out his apartment building and observed Frazier Jr. on the ground. Whitley added that he observed officers kicking Frazier Jr. as they handcuffed him. Whitley stated that only one officer kicked Frazier Jr. Upon further questioning and requests for Whitley to clarify exactly what he had witnessed, Whitley was vague in his answers, and he was unable to provide specifics of the incident. Whitley stated he knew Frazier Jr, and

Frazier Jr.'s father. Whitley provided a cell phone video to FID Detective II Miguel Barajas, Serial No. 35885 (Investigators' Note No. 3).

On October 31, 2019, FID personnel canvassed the 5400 block of Kester Avenue for witnesses to the OIS. Investigators located five eyewitnesses to the OIS.

Witnesses Jahmone Duhaney, Andrew Scott Allen, Joel Whitley and Loubna Haddadi statements were previously described in the contents of this report. The transcripts of these interviews are included in this report.

According to Witness James Cornett, on October 16, 2019, he parked his vehicle facing south, along the west curb, in front of 5461 Kester Avenue, and as he was getting ready to get out of his vehicle, he observed a grey Sport Utility Vehicle (SUV) park in front of him, in a perpendicular angle, approximately 20 feet away from him.³⁷ Cornett observed Detective Whitney exit the SUV pointing a shotgun looking in his direction, at an angle and to his right. Cornett stated he put his hands up and realized Detective Whitney was looking past him. Per Cornett, Detective Lopez came up to the driver side window of his vehicle and ordered him to get out of the car. Cornett stated, "*and I saw an officer get out with a shotgun and immediately I put my hands up. I -- I didn't know what was going on. Nothing. He -- He was approaching past my car, so I realized he wasn't looking at me to the -- and I'm to the left. My window was open. My car window was open. I heard an officer say get out of the car. I believe that prompted me to get out.*"³⁸ Once out of the car, Cornett stated Officer Vela told him to keep moving north on Kester Avenue. Cornett added "*it was during this exchange that I heard gunshots. I heard one shot and then it felt like a couple of seconds later four more shots.*"³⁹

According to Witness Joseph Stocker, he was driving south on Kester Avenue from Burbank Boulevard when he observed three uniformed officers running south on the west sidewalk of Kester Ave.⁴⁰ Stocker stated he did not see the OIS, he heard multiple shots being fired; however, he was unable to determine how many shots he heard. Stocker added after the shots were fired, he observed Frazier Jr. rolling back, hands in the air, and he landed on the sidewalk. Stocker assumed Frazier Jr. was being shot, but he did not see who was shooting.

The transcripts of these interviews are also included in this report.

There were seven witnesses who only heard shots. The number of gunshots heard by witnesses ranged from two to four. Copies of their statement forms are in the FID casebook.

³⁷ Witness James Cornett, male White, 38 years old.

³⁸ Witness Cornett's statement, Page 3, Lines 17-24.

³⁹ Witness Cornett's statement, Page 4, Lines 7-9.

⁴⁰ Joseph Stocker, male White, 58 years old.

Suspect Information



Lazzeri James Frazier Jr. was a male Black, black hair and brown eyes. At the time of the incident, he was five feet, nine inches tall, weighed 145 pounds, with a date of birth of October 24, 1997. Frazier Jr. was a resident of Los Angeles. Frazier Jr. was identified by Criminal Information Index (CII) No. A38715033, and California Department of Vehicles (DMV) Identification Card (ID) No. Y3488164. Frazier Jr. was not affiliated with a prison or criminal street gang. He was the subject of one prior LAPD Mental Evaluation Unit (MEU) contact. On September 10, 2019, Frazier Jr. was booked for Battery and during the booking process; he disclosed that he was suicidal. MEU Case No. 7441016.

At the time of this incident, Frazier Jr.'s documented criminal history consisted of one arrest for Criminal Threats on August 19, 2019, and one arrest for Battery on September 10, 2019. Frazier Jr. did not have any convictions (Addendum No. 8).

As a result of this incident, FID Detective II Stephanie Carrillo, Serial No. 35791, completed an LAPD Investigative Report (IR) for Assault with a Deadly Weapon (ADW) on a Police Officer, DR No. 1909-18516, listing Detective Whitney as the victim and Lazzeri James Frazier Jr. as the suspect. On April 2, 2020, FID Detective II Thomas Brown, Serial No. 34045, completed a Follow-Up Investigation Report for the above-listed ADW on a Police Officer investigation, with a case status of Cleared Other. (Addenda Nos. 9 and 10).

Injuries

On October 16, 2019, at approximately 1027 hours, Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) No. 39, staffed by Firefighter-Paramedics Curtis Faulkner and Garrett Roach, received the alarm to respond to 5500 N Kester Avenue.

According to the LAFD Prehospital Care Report Summary, at 10:32:13 hours, RA 39 arrived on scene. At 10:34:51 hours, Paramedics Faulkner and Roach assessed Frazier Jr., who was pulseless, apneic, unresponsive and asystole, meaning a cardiac flatline is the state of total cessation of electrical activity of the heart. Paramedics Faulkner and Roach determined Frazier Jr.'s time of death at 10:37:31 hours. Frazier Jr. was not transported to the hospital (Addendum No. 11).

Evidence

On October 16, 2019, at approximately 1510 hours, Firearms Analysis Unit (FAU) Supervising Criminalist Rafael Garcia, Serial No. G9120, Criminalist III Brian Reinarz, Serial No. N5624, and Criminalist II Jennifer Dorrel, Serial No. N5003, responded to the scene and conducted an examination of the OIS scene for ballistic impacts, trajectories, and projectiles.

A total of 66 items of evidence were collected during this investigation, including the Coroner's Kit from the Los Angeles County Coroner's Office, and the test fire analysis from FAU. The items recovered in conjunction with this investigation, were booked into evidence under DR No. 19-0918516. Included in those items were a .380 caliber, semi-auto, Davis Industries pistol (Item No. 1), a magazine removed from the pistol (Item No. 2), one .380 caliber live round, head stamped "FC 380 AUTO" removed from the chamber of the pistol (Item No. 3), and four live .380 caliber rounds, head stamped "FC 380 AUTO", removed from the pistol's magazine (Item No. 4). Items No 1 through Item No. 4 were collected from the west sidewalk of Kester Avenue, south of the entryway to 5461 Kester Avenue.

On October 17, 2019, cotton swabs containing possible touch Deoxyribonucleic Acid (DNA) were taken from the pistol right and left side grip, magazine release, right side slide, safety, magazine, and the bullet cartridges. Criminalist Dorrel later booked these items as evidence at Hertzberg Davis Forensic Science Center (FSC) as (Items Nos. 7 through 10).

On October 21, 2019, Criminalist Reinarz, test fired the Davis Industries, Model P380,.380 caliber, semi-auto pistol (Item No. 1). The test fired cartridge casings and bullets were booked as (Items No. 5 and 6).

On October 16, 2019, Criminalist Dorrel collected numerous items of evidence from the OIS scene, (Items Nos. 11 through 58). Included in those items were: A plastic container and a glass container, containing green plant-like material, possibly marijuana (Items Nos. 11 and 12), a total of 30 items were located and recovered from inside the small yellow backpack Frazier Jr. was wearing at the time of the OIS (Items 13 through 42), US currency (Item 13), totaling \$237, was recovered from inside Frazier's yellow backpack, 17 live ammunition cartridges, .380 caliber, headstamp "FC 380 AUTO" (Item No. 43) collected from the west sidewalk of Kester Avenue, south of the entry way and east of 5461 Kester Avenue. One live ammunition cartridge .380 caliber, headstamp "FC 380 AUTO" (Item No. 44) collected from the ground near the east wall of 5461 Kester Avenue, south of the entryway. Discharged cartridge case, .380 caliber, headstamp "FC 380 AUTO" (Item No. 45) collected from the grass next to the west sidewalk of Kester Avenue, east of 5461 Kester Avenue, and south of the entryway. A fired jacket fragment (Item No. 46), unknown caliber, collected from the 1st patio, south of the entryway, on the east side of 5461 Kester Avenue. A led fragment (Item No. 47) unknown caliber, collected from the 1st patio, south of the entryway, on the east side of 5461 Kester Avenue. One shotgun shell (Item No. 48), 12 Gauge caliber, headstamp "12 GA MADE IN USA", "FEDERAL 00 BUCK 2 ¾ MAG 70 mm" on the hull-collected from the gutter on the west side of Kester Avenue, in front of 5461 Kester Avenue. One shotgun shell (Item No. 49), 12 Gauge caliber, headstamp "12 GA MADE IN USA", "FEDERAL 00 BUCK 2 ¾ MAG 70 mm" on the hull-collected from the street, near the gutter, on the west side of Kester Avenue, in front of 5461 Kester Avenue, and one shotgun shell (Item No. 50), 12 Gauge caliber, headstamp "12 GA MADE IN USA", "FEDERAL 00 BUCK 2 ¾ MAG 70 mm" on the hull-collected from the street, in the right most southbound lane of Kester Avenue, to the right of a silver Dodge Grand Caravan,

SXT, California license No. 7LOY676, in front of 5461 Kester Avenue. Two plastic cups, three shotshell waddings, and unknown caliber pellets, were recovered from the front of 5461 Kester Avenue (Items 51-58). Firearms Analysis Unit, Firearm Examiner Genaro Arredondo, Serial No. N4417, fired Detective Whitney's shotgun to produce exemplar specimens (Items 65 and 66).

On November 14, 2019, Detective Salguero received custody of the Coroner's Kit, which contained Frazier Jr.'s Fingernail clippings, hair sample, bloodstain card, two live rounds, and 18 pellets removed from Frazier Jr.'s body during the autopsy. These items were booked as (Items No. 59 through 64) (Addendum No. 12).

On April 2, 2020, Criminalist Dorrel completed a laboratory report documenting Crime Scene Evidence Collection (Addendum No. 13).

Coroner's Investigation

On October 16, 2019, at 1600 hours, The Los Angeles County Department of Coroner's Office was notified regarding the death of Frazier Jr. At approximately 1715 hours, Los Angeles County Medical Examiner-Coroner Investigator Jerry McKibben, Serial No. 478328, arrived and at scene and performed a preliminary field investigation. Investigator McKibben noted Frazier Jr. sustained multiple gunshot wounds to the torso and hands. Investigator McKibben took possession of the items documented on County of Los Angeles Department of Medical Examiner, Personal Effects Inventory No. 311636 (Addendum No. 14).

Coroner's Response:

On October 16, 2019, at approximately 1900 hours, Los Angeles County Department of Coroner's Office, Forensic Attendant Ashley Jamie, Serial No. 515497, transported Frazier Jr.' remains to Los Angeles County Department of Coroner's Office. Prior to transporting Frazier Jr., Investigator McKibben processed Frazier Jr.'s hands for gunshot residue.

Autopsy:

On October 22, 2019, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor Abubakr Marzouk performed a post-mortem examination of Frazier Jr.' remains. Force Investigation Division Detective II Thomas Brown, Serial No. 34045, and Detective Barajas were present during the examination. Doctor Marzuk concluded Frazier Jr.'s death was caused by multiple shotgun wounds to the torso. In addition, Doctor Marzuk obtained specimens from Frazier Jr. for toxicological analysis (Addendum No. 15).

Doctor Marzuk noted multiple wounds in Frazier Jr.'s chest, left abdomen, left upper arm and back, consistent with shotgun pellets. A total of 18 shotgun pellets were recovered from Frazier Jr.'s body. The wounds were numbered from No. 1 to No. 18.

Doctor Marzuk also noted an additional wound (No. 19), which was a combination of other non-significant injuries. The 18 pellets recovered from Frazier Jr.'s body were booked as evidence in the previously mention Coroner's kit.

Wound No. 1: On left chest, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 20 inches from the top of the head and 5 inches left of the anterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 2: On left chest, medial and inferior to No. 1, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 21 1/2 inches from the top of the head and 4 1/2 inches left of the anterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 3: On left chest, medial and inferior to No. 2, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 23 1/2 inches from the top of the head and 3 1/2 inches left of the anterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 4: On left side of chest/lower abdomen, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 22 inches from the top of the head and 7 1/2 inches left of the anterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 5: On left side of chest/lower abdomen, inferior and medial to No. 4, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 22 inches from the top of the head and 7 inches left of the anterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 6: On left side of abdomen, inferior and medial to No. 5, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 25 1/2 inches from the top of the head and 5 1/2 inches left of the anterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 7: On anterior surface of distal left forearm. It is a grace wound of the anterior surface of the distal left forearm with dried skin, measuring 3/4 x 1/2 of an inch in maximum dimensions. The wound was centered 1 inch from the wrist. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 8: On ulnar side of the left forearm, superior and medial/right of No. 7, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch in width, centered 35 inches from the top of the head and 1 inch right of the anterior midline of the extremity and 2 1/2 inches from the wrist. The wound trajectory was left to right and upward.

Wound No. 9: On the anterior surface of mid left forearm, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 32 inches from the top of the head on the anterior midline of the extremity and 5 inches from the wrist. The wound trajectory was left to right and upward.

Wound No. 10: On the anterior surface of right arm, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 24 inches from the top of the head and 1 inch left of the anterior midline of the extremity. The wound had a trajectory of left to right and upward.

Wound No. 11: On left side of chest, measuring 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 18 inches from the top of the head and 20 inches left of the anterior midline. The wound trajectories cannot be determined.

Wound No. 12: On right upper back, it is a combined 18 wounds in an area measuring approximately 5 x 5 inches in maximum dimensions, centered 15 inches from the top of the head and 4 inches right of the posterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 13: On right upper back, near the shoulder. It measured 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 14 inches from the top of the head and 7 inches left of the posterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 14: On left upper back, inferior and medial/right of wound No. 13. It measured 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wound was centered 17 inches from the top of the head and 4 1/2 inches left of the posterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 15: On left lower back. Combined two wounds, each measured 3/8 inch in diameter, surrounded with an abrasion rim measuring 1/16 of an inch. The wounds were centered 17 inches from the top of the head and 2 inches left of the posterior midline. The wounds trajectories were left to right, the upward and downward trajectories could not be determined.

Wound No. 16: On right lower back, measuring 1/4 x 1/8 inch in maximum dimensions, without surrounded abrasion rim. The wound was centered 27 inches from the top of

the head and 2 inches right of the posterior midline. The wound trajectory was left to right, the upward and downward trajectory could not be determined.

Wound No. 17: On dorsum of left hand. It was a graze wound, measuring 1-1/2 x 1/2 inch in a right to left and upward trajectory.

Wound No. 18: On the posterior medial wall of the left arm and is associated with Wound No. 10. It measured 1/4 x 1/8 inch in maximum dimensions, without surrounded abrasion rim. The wound was centered 27 inches from the top of the head and 2 inches left of the posterior midline. The wound had a trajectory of left to right and upward.

Wound No. 19: A combination of all other non-significant wounds.

Doctor Marzouk concluded Frazier Jr.'s anterior and posterior wounds were consistent with three shotgun wounds. One shotgun wound to the front/left anterior chest and abdomen, and two shotgun wounds to the back and left upper extremity.

Coroner's Test Results:

Toxicology:

On December 4, 2019, a Laboratory Analysis Summary Report was approved by Los Angeles County Department of Coroner Supervising Criminalist I, Sarah Buxton de Quintana. The analysis results documented Frazier Jr. had a presumptive presence of Benzodiazepines, Cocaine and Metabolites, Fentanyl, and Marijuana (11-nor-Delta-9-Carboxy-THC).

A drug screen analysis confirmed Frazier Jr. had the following drugs in his system: .28 Micrograms per millimeters (ug/mL) of Desloratadine (Antihistamine), .12 ug/mL of Hydroxyzine, .30 ug/mL of Norchlorcyclizine (Metabolite), undetermined amount of Norsertraline, .10 ug/mL of Sertraline (Zoloft), undetermined amount of 11-nor-Delta-9-Carboxy-THC (Marijuana metabolite), 35 ug/mL of Delta 9-Tetrahydrocannabinol (THC) (Marijuana metabolite), and .08 ug/mL of Benzoylecgonine (Cocaine metabolite) (Addendum No. 16).

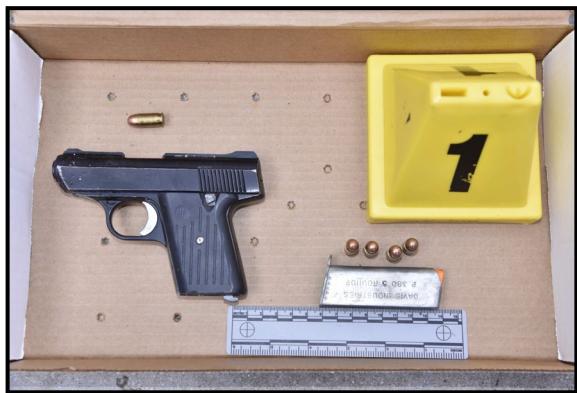
Gunshot Residue Analysis:

On April 14, 2020, Los Angeles County Medical Examiner-Coroner Senior Criminalist Samantha Ingalls concluded her analysis on the gunshot residue (GSR) kit. The analysis determined Frazier Jr.'s hands contained one particle (Lead, Antimony, and Barium) characteristic of GSR and two particles commonly associated with GSR (Lead and Antimony). Senior Criminalist Ingalls concluded that Frazier Jr. may have discharged a firearm, been in the vicinity of the discharge of a firearm, or touched a surface with gunshot residue on it (Addendum No. 17).

Clothing Analysis

Forensic Science Division, Criminalist II Jennifer Alvarado, Serial No. N5003, advised that a distance determination would not be of value in this case since the incident was captured on BWV and the estimated range in distance varied from 27-15 feet. The defects in the clothing can be observed in the photographs stored under Control No. D0770670.

Weapons



Lazzeri James Frazier Jr. was armed with a blue steel, semi-automatic pistol, .380 caliber, Davis Industries, Model P380, Serial No. AP148988. On October 16, 2019, FAU Criminalists Dorrel recovered the pistol from the west sidewalk of Kester Avenue, south of the entryway to 5461 Kester Avenue. The pistol was lying on the right side with the muzzle pointing northwest and the magazine fully inserted. The cocking indicator was in the cocked position, and the safety was off.

One live cartridge case was removed from the chamber of the pistol and four live cartridges were removed from the magazine (Addendum No. 18).

A Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Firearms Trace Summary determined there was no record for the firearm. An inquiry of the Automatic Firearms System (AFS) determined Lazzeri James Frazier Sr., with the Date of Birth of October 27, 1957, and CII No. 09541918, was the registered owner of the gun carried by Frazier Jr. (Addenda Nos. 19 and 20).

Detective Whitney was armed with his Department issued, 12-gauge Benelli M4 semiautomatic shotgun, Serial No. Y041248. The shotgun was carried with a Department approved two-point sling and was equipped with a Surefire Scout tactical light, and an Aimpoint-Micro H-1 optic. According to Detective Whitney, at the time of the OIS, the shotgun was loaded with five rounds of Department approved ammunition, Federal Premium, 12 gauge, 2 3/4 "OO" buck, 12 pellet.

On October 16, 2019, at 1710 hours, Detective Salguero conducted a post-incident examination of Detective Whitney's shotgun. He determined the shotgun had Department approved ammunition, and it was loaded with one Federal Premium, 12 gauge, 2 3/4 "OO" buck, 12 pellet shotgun shell in the chamber, and four Federal Premium, 12 gauge, 2 3/4 "OO" buck, 12 pellet shotgun shells in the magazine tube. There was a side saddle-cuff containing three, Federal Premium, 12 gauge, 2 3/4 "OO" buck, 12 pellet. Detective Whitney's shotgun also had a butt-cuff containing six Winchester Ranger, 12 gauge, 2 3/4, Low Recoil, 1oz. slug shotgun shells. The three

expended shotgun shells collected during the processing of the OIS scene was consistent with Detective Whitney having fired three shotgun rounds during the OIS.

On November 25, 2019, FAU Criminalist Genaro Arredondo, Serial No. N4417, completed a report documenting the test firing of Detective Whitney's shotgun. The shotgun was found to be functional and the trigger pull value for this shotgun was within the Department's established range (Addendum No. 21).

Detective Brown queried Detective Whitney's Department issued 12-gauge, M4 Benelli shotgun through FITS and determined it was registered with the Department Armory, and assigned to GND, since October 20, 2011.

Firearms Analysis

On April 2, 2020, Criminalist Dorrel completed a Bullet Path Analysis Report. Criminalist Dorrel identified one bullet related pathway (Addendum No. 22).

One bullet pathway was observed (Impact A), described as a non-penetrating impact, located on the west sidewalk of Kester Avenue. The pathway was consistent with a bullet travelling from north to south, east to west, and in a downward direction.

On April 2, 2020, Criminalist Dorrel completed a laboratory report documenting Deoxyribonucleic-acid (DNA) collection. Criminalist Dorrel swabbed Frazier Jr.'s pistol, magazine and cartridges. The swabs were booked as evidence at the Forensic Science Center, Items Nos. 7 through 10, (Addendum No. 23).

On October 24, 2019, Criminalist Brian Reinarz, Serial No. N5624, completed a laboratory report documenting the test fire of Frazier Jr.'s handgun. Criminalist Reinarz test fired Frazier Jr.'s handgun using laboratory ammunition, and he found it to be functional. The test fired cartridges were entered into the National Integrated Ballistics Information Network (NIBIN). The test fired cartridge cases and bullets were booked as evidence at Forensic Science Center, Items Nos. 5 and 6 (Addendum No. 24).

On December 23, 2019, Criminalist Daniel Rubin, Serial No. G9077, completed a laboratory report documenting the Bullet/Cartridge Case Comparison report. Criminalist Rubin performed a comparison analysis visually and/or microscopically inter-comparing the tool marks on evidence. Opinions of common origin are made when tool marks are in significant agreement.

Criminalist Rubin concluded Item No. 45 (the .380 discharged cartridge case recovered from the scene) could not be eliminated as having been fired from the same firearm as the Item 5 (the .380 discharged cartridge cases fired in Frazier Jr.'s handgun by FAU personnel) due to the lack of agreement/disagreement of individual characteristics. Representative images from Item 45 were entered into NIBIN database by FAU staff. Item 46 (the fired, unknown caliber, jacket fragment) was fired in the same firearm as the Item 6 (the .380 caliber bullets, fired through Frazier Jr.'s handgun by FAU

personnel). Criminalist Rubin also concluded Item 47 (the lead bullet fragment, unknown caliber, recovered from 5461 Kester Avenue) had limited comparative value; therefore, no further analysis was performed (Addendum No. 25).

Visual Documentation

Digital In-Car Video System (DICVS)

Force Investigation Division Detective Salguero reviewed the DICVS to ascertain if any DICVS-equipped units responded to this incident. At the time of the OIS, Van Nuys Division Patrol Division uniformed Officers Vela and Villegas were the only officers at scene driving a police vehicle equipped with Digital In-Car Video System (DICVS). The DICVS in their vehicle did not capture the OIS; however, it did record the sounds of the shots fired. There were five additional patrol police vehicles, equipped with DICVS, that responded to the help call and did not capture the OIS.

Body Worn Video (BWV)

Force Investigation Division Detective Salguero reviewed the BWV system to ascertain if any BWV equipped officers responded to this incident. At the time of the OIS, Van Nuys Division Patrol Division uniformed Officers Vela and Villegas were the only officers at scene equipped with BWV. Both officers activated their BWV's, and their BWV's captured the foot pursuit, portions of the OIS, and the handcuffing of Frazier Jr.

There were two, two-officer units, and at scene shortly after the OIS. All the officers activated their BWV's and captured Frazier Jr.'s handcuffing. Two Van Nuys Division Patrol Division uniformed field sergeants also responded to the help call. The two Sergeants activated their BWV's as required per Department Policy. Sergeant Lankford activated her BWV while responding to the OIS scene and it captured her actions as she coordinated the arrest team and Frazier Jr.'s handcuffing. Sergeant Blanchard activated his BWV while responding to the OIS and it did not capture the OIS (Investigators' Note No. 4).

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites, including YouTube, Facebook, and Twitter, from the date of the incident until the submission of this investigative report. No additional evidence, information or witnesses were identified.

Other Department Video

None.

Outside Video

On October 16, 2016, at approximately 1630 hours, Witness Joel Whitley provided an approximately 39-second-long video to FID Detective Barajas. The video is post OIS, and it depicts Frazier Jr. laying on the sidewalk, handcuffed, and Officers Vela and Villegas standing next to him. Witness Whitley advised he used his cellular telephone to record the video. Detective Salguero booked the video at Information Technical Division (ITD), and he was given Sound Recording Tape Issue/Receipt No. 659432.

KTTV Fox 11 Los Angeles news was in the area and captured portions of the OIS on video. Force Investigation Division detectives served a search warrant in attempt to obtain the unedited video footage from KTTV Fox 11 Los Angeles; however, its legal department refused to honor the search warrant. Force Investigation Division Detective II John Macchiarella, Serial No. 35095, contacted Managing Assistant City Attorney Carlos De La Guerra, Public Safety General Counsel Division, Los Angeles City Attorney's Office. Managing Assistant City Attorney De La Guerra advised he will take this issue for action with KTTV Fox 11 Los Angeles' Legal Department. As of the submission of this report, the video had not been received by FID. Detective Salguero booked the video at Information Technical Division (ITD), and he was given Sound Recording Tape Issue/Receipt No. 659431 (Addendum No. 26).

Note: The Search Warrant Return was not completed because results of the search warrant still pending.

On October 31, 2019, FID investigators canvassed the area of the 5400 block of Avenue. Force Investigation Division Detective Barajas met with Adolfo Pineda, who is Manager of the apartment complex where Frazier Jr. resided. Mr. Pineda advised the apartment complex had a surveillance camera inside the courtyard. This camera recorded Frazier Jr. walking out of the apartment complex at 10:16:42 hours. Mr. Pineda provided a copy of the video to Detective Barajas; he booked it at Information Technical Division (ITD), under Media No. 729446.

Photographs

Photographs of the OIS scene and associated evidence are stored under Control Nos. 0645340, 0645341, 0770670, and 0770671.

Notifications

On October 16, 2019, at 1026 hours, Van Nuys Patrol Division Watch Commander, Lieutenant I Robert McDonald, Serial No. 26145, notified FID Lieutenant II Damian Gutierrez, Serial No. 30050, of the OIS. At 1107 hours, Lieutenant Gutierrez, notified the Department Operations Center (DOC) of the OIS (Addendum No. 27).

Personnel at Scene

At 1150 hours, Detective Salguero was the first FID representative at scene. At approximately 1228 hours, Force Investigation Group Commander Robert Marino, Serial No. 27726, arrived at scene. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

Communications

A copy of the CD printouts relative to the OIS incident, Incident Nos. 191016000716 and 191016001967, are on file at FID. A digital recording of Van Nuys Area Base Frequency is kept on file at CD. The digitally-recorded interviews of the involved and percipient officers and civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II) database (Addendum No. 28).

Justice System Integrity Division

This case met the criteria for presentation to the Justice System Integrity Division (JSID) and will be presented shortly after completion of the Use of Force Board, conducted by the Board of Police Commission.

Investigators' Notes

1. According to Sergeant Tafoya, once he assumed Watch Commander duties, he called Detective Phillips and discussed his expectations regarding the involvement of Van Nuys patrol officers who were assisting him with the surveillance operation. Sergeant Tafoya discussed vehicle pursuits, containment, and perimeters in the event Frazier Jr. ran. Sergeant Tafoya stated he was satisfied with the verbal operational plan. Sergeant Tafoya notified Van Nuys Patrol Commanding Officer, Captain I Orlando Chandler, Serial No. 26288, via email. Sergeant Tafoya indicated he contacted Air Support Division (ASD), briefed of the surveillance operation, and requested for the Air Unit assigned to Valley Bureau to assist with the surveillance operation.
2. According to Detective Whitney, one of his peers, GND Detective I Jose Hidalgo, Serial No. 37553, sent him a copy of the OIS video released by KTTV Fox 11 News Los Angeles. Detective Whitney stated he viewed the video prior to conducting the walkthrough and interview with FID detectives. According to Detective Hidalgo he viewed the video while inside the Hollenbeck Police Station, and later saw it again, while inside Jail Division. He sent it to Detective Whitney for information purposes only, and to share it with his attorney and FID detectives. Detective Hidalgo added his reason for sending the link of the video to Detective Whitney was to make him aware the video was all over the news, and he never intended to interfere in the FID investigation.

3. Witness Whitley alleged that on October 16, 2016, an unknown police officer, while on duty, unnecessarily kicked Frazier Jr. while he was on the ground. A personnel complaint against an unknown LAPD Officer was generated; Complaint File (CF) No. 19-003143. Body Worn Videos from the uniform patrol personnel that responded to the Help Call, showed no evidence of Frazier Jr. being kicked as he was handcuffed. A Los Angeles Police Department Complain Adjudication Form was completed. It was requested for this personnel complaint be classified as "Demonstrably False". On April 10, 2020, this complaint was reviewed by Internal Affairs Group, Review and Evaluation Section, Sergeant II Rene Zavala, Serial No. 31088, and he confirmed this complaint will be closed out as "Demonstrably False".
4. Force Investigation Division investigators identified the BWVs of eight officers as being related to this incident. The BWVs of Officers Vela and Villegas mentioned in this administrative summary were reviewed in detail.

The BWVs of the remaining six officers were inspected and determined not to have captured the officer-involved shootings or have any other relevant value.

The BWVs of the officers included in the administrative summary identified the following BWV activation results;

Officer	Reduced Buffer	Late Activation
Sergeant I James Blanchard, Serial No. 38175	X	
Police Officer III Marco Guajardo, Serial No. 36380	X	
Police Officer II Vincent Ortiz, Serial No. 40173	X	

On May 21, 2020, Force Investigation Division Command notified Van Nuys Area, Operations Valley Bureau and Office of Operations of the results of the video activations.

(Prior to January 1, 2020)

Department Manual, Volume 3/579.15

Office of Constitutional Policing and Policy Notice entitled, Powering Off Body-Worn Camera Devices While in Department Facilities, dated December 20, 2018.

(After January 17, 2020)

Department Manual, Volume 3/579.15

Office of the Chief of Police Notice entitled, Body-Worn Video Device Pre-Activation Buffer; Requirement to Leave Device Powered On – Reminder, dated January 17, 2020.

CHIEF OF POLICE REPORT⁴¹

Chief of Police Findings

Tactics – Administrative Disapproval, Captain Oddo, Detective Phillips, and Officer Romines. Tactical Debrief, Detectives Whitney, Lopez, and Ruiz, Sergeant Lankford, and Officers Vela, and Villegas.

Drawing/Exhibiting – In Policy, No Further Action, Detectives Whitney, Lopez, and Ruiz, and Officers Vela, and Villegas.

Lethal Use of Force – In Policy, No Further Action, Detective Whitney.

Chief of Police Analysis

Detention

- OVB Homicide received information on the location of Frazier Jr., who was a suspect in a murder and robbery incident. OVB Homicide requested the assistance from GND, GFU to conduct surveillance. Detectives Phillips, Whitney, Lopez, Ruiz and Officer Romines, Vela, and Villegas, conducted surveillance at Frazier Jr.'s residence. Frazier Jr. exited his residence and walked down the street. When Frazier Jr. observed uniformed officers Vela and Villegas in a marked black and white police vehicle, Frazier Jr. ran in the opposite direction and a foot pursuit ensued. Frazier Jr. produced a handgun, resulting in an OIS. The detectives' and officers' actions of attempting to detain and take Frazier Jr. into custody were appropriate and within Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain*

⁴¹ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques.)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Detective Phillips directed Officer Romines to complete an Operational Plan at the Van Nuys CPS. While Officer Romines was completing the Operational Plan, Detective Phillips directed Detectives Whitney, Lopez, and Ruiz to deploy and establish surveillance around Frazier Jr.’s apartment. The Operational Plan for this incident was completed on a non-Department approved document that was labeled “*Gang and Narcotics Division Gang Field Unit (GFU) Operational Plan*” and indicated that the document is *Equivalent to Form 12.22.00 (08/05)*.

According to the FID investigation, the Operational Plan documented the surveillance around Frazier Jr.’s apartment building and the monitoring of the area for him. In the event Frazier Jr. exited the apartment building, he was to be allowed to walk away from the building prior to calling in assigned uniform resources to conduct a high-risk pedestrian stop and for GFU personnel to assist patrol if requested to do so. Detective Phillips stated this plan was to avoid a barricade or hostage situation in the event Frazier Jr. ran back to his apartment building. Detective Phillips added that in the event Frazier Jr. was identified as being inside the apartment, but he did not exit, OVB Homicide detectives were in the process of writing an arrest warrant for Frazier Jr. and a search warrant for his residence. The plan was to then notify Metropolitan Division, Special Weapons and Tactics (SWAT) to serve the search warrant. Additionally, the surveillance team was directed to utilize Channel 54 for communications.⁴²

According to the FID investigation, as Officer Romines was completing the Operational Plan, Detective Phillips directed Detectives Whitney, Lopez, and Ruiz to deploy and establish the surveillance around Frazier Jr.’s apartment. Once the surveillance team was established, Air Support Division (ASD) was notified and advised of the Operational Plan. Air Support Division was advised to have the Air Unit assigned to Operations-Valley Bureau monitor Channel 54. According to

⁴² Metropolitan Division was not contacted at any point during this incident.

Detective Phillips, he notified Communications Division (CD), placed the GFU Code Six and requested a Code Five around 5461 Kester Avenue, Incident No. 191016000716.

The UOFRB was critical of the Operational Plan completed by Officer Romines. The UOFRB noted that the Operational Plan lacked detail and was missing pertinent information.

The UOFRB deliberated that the specifics of the Operational Plan lacked critical information such as the location of staged personnel, description of vehicles in the surveillance team, utilization of an arrest team and steps to take for the arrest. GND GFU personnel were deployed and began their surveillance around Frazier Jr.'s residence prior to the Operational Plan being completed or approved by the Commanding Officer. Once the Operational Plan was approved, the Operational Plan was not disseminated throughout the personnel on the surveillance team nor to uniformed Officers Vela and Villegas. Uniformed Officers Vela and Villegas discussed the Operational Plan with Detective Phillips on the phone but did not receive or view a physical copy of the Operational Plan. Officers Vela and Villegas did not meet with the surveillance team prior to setting up at their location and were not made aware of the description, clothing, or vehicles of the personnel involved in the surveillance team.

Officers Vela and Villegas had worked together for approximately six weeks. Officer Vela was assigned as Officer Villegas' Field Training Officer (FTO), and they discussed tactics daily. Officer Vela was the passenger, and he was assigned as the contact officer. Officer Villegas was the driver, and he was assigned as the cover officer. Officer Vela stated they discussed the possibility Frazier Jr. might run, discussed foot pursuit tactics, and identified the surrounding streets in case the need arose to set up a perimeter. Officers Vela and Villegas also discussed the high-risk prone technique and Officer Vela emphasized to Officer Villegas to use the police vehicle as cover. Officer Vela explained to Officer Villegas the importance of uniform presence and planned that they would initiate contact with Frazier Jr.

Sergeant Lankford arrived at the location shortly after the OIS and formulated a plan to handcuff Frazier Jr. Sergeant Lankford ensured the arrest team had lethal and less-lethal use of force options. Sergeant Lankford also verified everyone in the arrest team knew their duties. The arrest team consisted of the following personnel: Detective Whitney as lethal cover with his shotgun, Detective Lopez lethal cover for Detective Whitney, with his service pistol, Officer Vela and Officer Villegas were assigned to handcuff Frazier Jr., Officer Gutierrez, was the designated less lethal, equipped with a 40 millimeter less lethal launcher, and Officers Guajardo, Palomino, and Romines as additional support if needed, and Sergeant Lankford as the supervisor overseeing the arrest.

Assessment – As the surveillance team was positioned around Frazier Jr.'s residence, Detective Lopez positioned himself to have what he described as a clear

and unobstructed view of Frazier's Jr.'s apartment window and the building entrance. Detective Lopez observed the blinds of Frazier Jr.'s apartment window move and alerted everyone on the surveillance team of his observations. Shortly after, Detective Lopez observed the blinds and window open. Detective Lopez used binoculars and was able to positively identify Frazier Jr. Once determining that Frazier Jr. was inside of his residence, Detective Lopez broadcasted his observations of Frazier Jr. and assessed the situation. The surveillance team made the decision to utilize time; waiting for Frazier Jr. to exit his residence and walk down the street while they assessed his actions, in order to not force a possible lethal situation by immediately confronting Frazier Jr.

Detective Whitney heard Detective Ruiz' broadcast that Frazier Jr. was running armed with a gun. As Detective Whitney drive towards Frazier Jr.'s apartment, he observed Frazier Jr. running on the west sidewalk, while holding a small black pistol in his right hand. As Frazier Jr. approached where Detective Whitney was positioned, Detective Whitney utilized available cover from his vehicle and stated "Police" to Frazier Jr. Frazier Jr. then began to raise his pistol in Detective Whitney's direction, causing Detective Whitney to be in fear for his life.

Detective Whitney assessed after firing his first round and observed Frazier Jr. was attempting to sit up, while pointing the gun in a northerly direction toward the pursuing officers. Detective Whitney stepped around the front of the engine block and took two or three steps to close the distance to better assess Frazier Jr.'s actions.

After firing his second round, Detective Whitney assessed, and believed his second shot missed, because it did not have an effect on Frazier Jr., since he continued to point his gun in a northerly direction toward the pursuing officers. Detective Whitney, believed Frazier Jr. continued to pose a threat to the approaching officers, because his second shot did not stop Frazier Jr.'s actions.

After firing his third round, Detective Whitney assessed and observed Frazier Jr. collapse onto his left side, and was no longer able to see Frazier Jr.'s pistol. Detective Whitney continued to assess and observed Frazier Jr.'s actions.

Detective Whitney stated he assessed the severity of the situation and discharged one round from his shotgun to stop the threat. Detective Whitney continued to assess the threat between each round out of the safety and concern for the additional Department personnel at scene as well as for the reverence for Frazier Jr.'s life.

While the UOFRB noted Detective Whitney's assessment in this situation they also discussed with great concern the lack of assessment in completing and communicating a detailed Operation Plan to all Department personnel involved. The Chief would have preferred Department personnel would have assessed their deficiencies prior to initiating the operation.

Time – Gang and Narcotics Division, GFU personnel were briefed on Frazier Jr., which included his physical description, crimes he was accused, and his residence. Gang and Narcotics Division GFU personnel were afforded time to create and communicate an approved Operational Plan to each member of the unit as well as the uniformed chase team consisting of Officers Vela and Villegas; however, they left the station and established a surveillance prior to completing an Operations Plan, discussing the plan, and ensuring the chase team knew who each member of the units was to avoid confusing plain clothes Department personnel from potential threats.

The surveillance team's plan was to utilize time once Frazier Jr. was identified and continue surveillance away from his residence in order to gather additional uniformed personnel on scene prior to making contact and attempt to avoid a larger tactical incident. As Frazier Jr. exited his residence and Officers Vela and Villegas attempted to contact and detain him, Frazier Jr. turned and produced a handgun, running from Officers Vela and Villegas. Although Frazier Jr.'s actions did not afford the officers any additional time to respond to his deadly actions, which reduced the time the officers had to respond, and limited their tactical options.

The UOFRB noted that patrol resources had been monitoring Frazier Jr. for multiple hours which allowed GND-GFU the time to create, disseminate and ensure that a sound Operational Plan was in place and understood by the personnel involved in the tactical incident.

Following the OIS the surveillance team and all responding personnel, utilized time to formulate a plan and make their approach to take Frazier Jr. into custody.

The UOFRB noted the surveillance team was faced with no exigency and was afforded time, but did not use that time to create a more detailed tactical plan, assess the roles of the personnel involved, and wait for the plan to be approved by the Commanding Officer. The Chief would have preferred the surveillance team had utilized the time afforded to them to ensure a detailed Operational Plan was completed, briefed, and understood by all Department personnel prior to taking part in any part of the incident.

Redeployment and/or Containment – As the marked black and white police vehicle approached Frazier Jr., Frazier Jr. turned, retrieved a pistol from his pants pocket and ran the opposite direction away from the officers. Officers Vela and Villegas initiated a foot pursuit in an attempt to apprehend Frazier Jr. Officer Villages ran on the street and utilized vehicles as cover during the foot pursuit which was of short duration. Officer Vela ran on the sidewalk on the same path as Frazier Jr., not fully utilizing the cover that was afforded to him as he pursued Frazier Jr. even though he was aware that he could use walls near the residential driveways as cover. Officers Vela and Villegas remained in apprehension mode even after they observed Frazier Jr. to be armed with a handgun out of fear for the public and the belief he was a continued danger to the public.

After Detective Whitney fired his third round and was no longer able to see Frazier Jr.'s pistol, Detective Whitney redeployed to the passenger side of his vehicle, utilizing the engine block as cover.

The UOFRB noted that while officers are generally advised to redeploy to containment mode while following a known armed individual, the concern for the public and additional personnel was too great to allow Frazier Jr. to evade apprehension. In this case the UOFRB noted that Officer Vela was not actively trying to close distance on Frazier Jr. and was aware of the available cover afforded to him. The Chief would have preferred personnel had utilized additional cover throughout the entirety of the incident.

Other Resources – Upon determining the location of Frazier Jr.'s residence, OVB Homicide detectives requested the assistance from the GFU personnel and asked that they conduct surveillance of Frazier Jr.'s residence and attempt to apprehend him. At the time of the request the GND - GFU was operating at two unique locations and unable to assist one another, causing an officer safety concern and a lack of resources.

GFU personnel assigned to the surveillance team utilized one marked black and white police vehicle and two uniformed officers (Officers Vela and Villegas) to assist with their Operation Plan.

OVB Homicide detectives were in the process of writing an arrest warrant for Frazier Jr. and a search warrant for his residence. The plan was if Frazier Jr. was identified as being inside the apartment, but did not exit, OVB Homicide detectives would notify Metropolitan Division, Special Weapons and Tactics (SWAT) to serve the search warrant.

A dedicated simplex radio frequency was assigned and was used for surveillance and tactical communications for the incident.

Air Support Division was notified and advised of the operation. Air Support Division was advised to have the Air Unit assigned to Valley Bureau monitor the frequency.

The UOFRB noted that the surveillance team and the Operational Plan would have benefited by notifying Metropolitan Division of the plan prior to GFU setting up surveillance at Frazier Jr.'s residence. Doing so would have afforded the surveillance team with additional options and resources in attempting to take Frazier Jr. into custody.

Lines of Communication – Sergeant Tafoya discussed the incident during the Van Nuys Patrol Division, Watch Two roll call, so personnel were aware GFU was surveilling a murder suspect and to be mindful of their location and the possibility of their need for additional personnel.

Detective Phillips briefed Officers Vela and Villegas of the operational plan over the cellular phone wherein Officer Vela used the speaker mode in his cellular telephone for Officer Villegas to hear the briefing. Detective Phillips also texted Officer Vela a photograph of Frazier Jr. to be used for identification.

The UOFRB noted that after completion, the Operation Plan was not reviewed by or disseminated to those involved in the tactical operation. The UOFRB noted that this review process would have allowed those involved in the tactical operation to identify potential safety concerns and better understand their roles.

When Frazier Jr. walked out of this residence, Detective Phillips switched his radio to Van Nuys Base frequency and broadcasted a *back-up* request as they were following a *187 suspect*.

Detective Whitney identified himself to Frazier Jr. by stating "Police" in an attempt to stop Frazier Jr.'s actions. Frazier Jr. looked at him and while holding the gun in his right hand, Frazier Jr. began to raise the gun in his direction, causing Detective Whitney to believe Frazier Jr. was going to shoot him. During the course of the incident and due to the rapidly evolving situation when Frazier Jr. ran and produced a pistol, personnel were unable to provide commands due to Frazier Jr.'s violent actions.

According to Detective Whitney, he drove his vehicle and parked near Frazier Jr.'s apartment building after he heard the broadcast that Frazier Jr. was running southbound on Kester Avenue. Detective Whitney was wearing his tactical vest which had the word "Police" affixed to both the front and back. As Frazier Jr. approached Detective Whitney, Detective Whitney stated "Police." Frazier Jr. raised his right arm holding a pistol towards Detective Whitney. Faced with an imminent threat of serious bodily injury or death, Detective Whitney utilized lethal force to stop the deadly threat.

The UOFRB noted that there was minimal communication between personnel during the incident which started with a deficiently created Operational Plan. The UOFRB addressed, and the Chief concurred, that in person communication with all personnel in the operation may have alleviated any discrepancies and ensured a clear understanding of the Operational Plan to all involved.

Debriefing Points

- During the review of the incident, the following Tactical Debriefing Points were noted:
- **Operational Plan** (Substantial Deviation, without Justification – Captain Oddo, Detective Phillips, and Officer Romines).

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain 22).

Officers must approach every contact with officer safety in mind. Complacency, over-confidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Detective Phillips approved an Operational Plan completed by Officer Romines that had numerous deficiencies. The Operational Plan did not outline clear tactical strategies for surveillance, containment, and apprehension which lead to a lack of coordination between the involved GND personnel and patrol officers.

Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound Operational Plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Detective Phillips reviewed the Operational Plan formulated by Officer Romines which intended to utilize GND personnel in plain clothes to maintain surveillance on Frazier Jr. and have a single uniformed patrol unit conduct a pedestrian stop of Frazier Jr. who was known to be armed and was an identified robbery and murder suspect.

The UOFRB was critical of Detective Phillips' decisions to approve an Operational Plan that was wholly inadequate, did not designate roles to personnel, did not utilize available resources to establish a perimeter or arrest team, and did not consider additional contingent tactical strategies to minimize risk to the community and allow the involved personnel to have an optimal tactical advantage. The UOFRB noted that the Operational Plan was not completed on the appropriate form, field units deployed and operated prior to the Operational Plan being completed, and the Operational Plan was not disseminated to all involved field units.

The UOFRB considered that the Operational Plan failed to utilize additional available patrol resources to maintain a perimeter, a lack of communication and coordination led to confusion, including when and where Frazier Jr. was preferred to be stopped, as well as which personnel would be part of the arrest team. Additionally, the UOFRB noted that Frazier Jr. was identified as a robbery and murder suspect who was likely armed, however, only one uniformed patrol unit was utilized as a "chase

unit" without additional "chase units" or personnel nearby in the event the tactical situation deteriorated which could cause confusion and jeopardize officer safety.

Effective operational plans demand utilizing all available personnel, with designated roles, and clearly laying out a plan of action in order to maintain the safety of officers, as well as minimize the risk to the community. The Chief would have preferred that Officer Romines had developed and communicated an Operational Plan which established roles and assignments, including perimeter officers and an arrest team, as well as lethal and less lethal designations. This would have enabled the involved personnel to maintain a tactical advantage and ensure they properly functioned as a team. The Chief additionally would have preferred that the personnel continuously communicated their plans with each other throughout the entirety of the incident to ensure a successful resolution. The Chief would have preferred that Detective Phillips utilized the time they had to thoroughly review Officer Romines' Operational Plan, addressed the clear deficiencies, and amended the plan to utilize the required personnel, with designated duties, and consider additional tactical strategies to maximize the tactical advantage of the involved personnel.

In reviewing this incident, the UOFRB was critical of Detective Phillips for allowing the surveillance team to deploy around Frazier Jr.'s residence prior to the Operational Plan being completed by Officer Romines and approved by Captain Oddo. Given Detective Phillips' tenure in the GFU, and responsibility as a Department supervisor, Detective Phillips should have been aware of the officer safety concerns that arise from deploying on a potentially armed homicide suspect without an Operational Plan in place. The UOFRB considered that Detective Phillips created an artificial sense of urgency to establish the surveillance of a homicide suspect who had already been under surveillance by patrol resources for multiple hours. The UOFRB noted the Operational Plan was completed on a form that reads "equivalent to..." and not the Department approved Operation Plan, LAPD Form 12.22.00.

By using this unapproved form, the UOFRB noted a deviation in the "Notifications Checklist;" specifically the lack of notation of SWAT and Air Support notifications. The UOFRB noted that specifically SWAT should have been contacted and briefed regarding the surveillance and possible arrest a potentially armed homicide suspect. The UOFRB also noted that four detectives were identified on the Operational Plan as being assigned personnel even though they were not present, nor involved in this tactical situation. Conversely, the uniformed officers assigned to the surveillance were not included in the Operations Plan.

The UOFRB noted that after completion, the Operational Plan was not reviewed by or disseminated to those involved in the tactical operation. The UOFRB noted that this review process would have allowed those involved in the Operational Plan to identify potential safety concerns and better understand their roles. The UOFRB was critical of Detective Phillips' decision to deploy on the surveillance and then to

utilize only a probationary police officer with minimal experience and his training officer to act as the primary contact for a homicide suspect who is possibly armed with a firearm. The UOFRB noted that Detective Phillips should have considered utilizing additional patrol resources which would have then allowed him to maintain his responsibility as IC.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Detective Phillips' operational planning substantially and unjustifiably, deviated from approved Department tactical training. The Chief directed this to be a topic of discussion during the tactical debrief.

Captain Oddo approved an Operational Plan completed by Officer Romines that had numerous deficiencies. The Operational Plan did not outline clear tactical strategies for surveillance, containment, and apprehension which lead to a lack of coordination between the involved GND personnel and patrol officers.

In this case, ultimately Captain Oddo reviewed the Operational Plan formulated by Officer Romines which intended to utilize GND personnel dressed in plain clothes to maintain surveillance on Frazier Jr. and have a single patrol unit conduct a pedestrian stop of Frazier Jr. who was known to be armed and was an identified robbery and murder suspect.

The UOFRB was critical of Captain Oddo's decisions to approve an Operational Plan that was substantially inadequate, did not designate roles to personnel, did not utilize available resources to establish a perimeter or arrest team, and did not consider additional contingent tactical strategies to minimize risk to the community and allow the involved personnel to have an optimal tactical advantage. The UOFRB noted that the Operational Plan was not completed on the appropriate form, field units deployed and operated prior to the Operational Plan being completed, and the Operational Plan was not disseminated to all involved field units.

The UOFRB considered that the Operational Plan failed to consider the utilization of additional available patrol resources to maintain a perimeter. The Operational Plan also lacked communication and coordination led to confusion, including the time and location Frazier Jr. was to be stopped, as well as which personnel would be part of the arrest team. Additionally, the UOFRB noted that Frazier Jr. was identified as a robbery and murder suspect who was likely armed, however; only one uniformed patrol unit was utilized as a "chase unit" without additional "chase units" or personnel nearby in the event the tactical situation deteriorated.

In reviewing this incident, the UOFRB was critical of Captain Oddo's approval of the Operational Plan which did not include a specific Operational Plan and lacked clear objectives. The UOFRB noted that the Operational Plan did not identify each officer's specific role or expectations during the surveillance and arrest of Frazier Jr. The Operational Plan was completed on a document not approved by the Department that contained inaccurate and deficient information essential to officer

safety. The UOFRB was critical of Captain Oddo for not taking a thorough analysis and more critical review of the Operational Plan. The UOFRB would have preferred for Captain Oddo to have ensured that SWAT was contacted to see if their response criteria based on Frazier Jr.'s recent violent actions were of a concern. The UOFRB noted that Captain Oddo did not communicate with his subordinate employees and did not advise officers in the field that he approved the Operational Plan which could cause confusion and jeopardize officer safety.

The Chief would have preferred that Captain Oddo thoroughly reviewed Officer Romines' Operational Plan, addressed the clear deficiencies, and amended the plan to utilize the required personnel, with designated duties, and consider additional tactical strategies to maximize the tactical advantage of the involved personnel.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Captain Oddo's operational oversight substantially, and unjustifiably, deviated from approved Department tactical training. The Chief directed this to be a topic of discussion during the tactical debrief.

Effective operational plans demand utilizing all available personnel, with designated roles, and clearly laying out a plan of action in order to maintain the safety of officers, as well as minimize the risk to the community. The Chief would have preferred that Officer Romines had developed and communicated an Operational Plan which established roles and assignments, including perimeter officers and an arrest team, as well as lethal and less lethal designations. This would have enabled the involved personnel to maintain a tactical advantage and ensure they properly functioned as a team.

The UOFRB minority noted, Officer Romines had approximately 13 years of experience in the GFU; however, he failed to develop an Operational Plan which included the appropriate number of personnel required for this operation, did not assign the required roles and duties, and did not consider additional tactical options in the event the tactical situation changed. The UOFRB minority opined Officer Romines' role in the creation of the Operational Plan was significant and led to poor communication and coordination.

The UOFRB majority reviewed the same set of facts and opined that though Officer Romines formulated and authored the Operational Plan, his role was minor, as he submitted the Operational Plan for review through his chain of command as required. The UOFRB majority considered that though Officer Romines' Operational Plan was deficient, the Operational Plan was only implemented upon review and approval by both Detective Phillips and Captain Oddo.

Based on the totality of the circumstances, the UOFRB minority determined, and the Chief concurred, that Officer Romines' operational planning substantially, and unjustifiably, deviated from approved Department tactical training. The Chief directed this to be a topic of discussion during the tactical debrief.

- **Foot Pursuit Concepts**

“Cover” is a term often associated with combat tactics. Under such conditions, cover refers to anything that may stop or deflect an opponent’s weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.), (California Commission on Peace Officers Standards and Training, Learning Domain 21.)

When officers have reasonable suspicion to detain a suspect and the suspect flees, the involved officers should make a quick assessment of the situation. They should evaluate the risk to themselves, other officers, the suspect and public safety versus what will be gained by engaging in the pursuit (Los Angeles Police Department, Use of Force-Tactics Directive, Foot Pursuit Concepts, Directive No. 3.2, October 2013).

Pursuing Armed Suspects: When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department, Use of Force-Tactics Directive, Foot Pursuit Concepts, Directive No. 3.2, October 2013).

Running with a Firearm: Running with a drawn firearm can increase an officer’s chance of having an unintentional discharge. Therefore, under most circumstances, officers will have their firearms holstered when involved in a foot pursuit. However, the drawing and exhibiting of an officer’s firearm while running may be reasonable based on the officer’s reasonable belief that the situation may escalate to the use of deadly force (Los Angeles Police Department, Use of Force-Tactics Directive, Foot Pursuit Concepts, Directive No. 3.2, October 2013).

During containment operations, good cover is critical to ensure the safety of officers on the perimeter. Cover offers protection from gunfire and allows an officer to safely observe the suspect’s probable position. Also, it is important to ensure that no crossfire situation exists (Los Angeles Police Department, Use of Force-Tactics Directive, Foot Pursuit Concepts, Directive No. 3.2, October 2013).

As Officer Vela initiated the foot pursuit, Officer Vela stated that he was in apprehension mode. According to Officer Vela, his goal was to stop Frazier Jr. as quickly as he could.

During the foot pursuit, Officer Vela unholstered his service pistol after observing that Frazier Jr. ran with his firearm in his hand.

As an arrest team was being assembled to take Frazier Jr. into custody, Officer Vela moved away from cover onto the sidewalk to where Frazier Jr. was laying down.

The UOFRB minority reviewed the incident and opined that the totality of the tactics utilized by Officer Vela after electing to pursue Frazier Jr. in apprehension mode substantially deviated from Department approved tactics. Frazier Jr. was known to Officer Vela to be extremely violent and Officer Vela observed him to be armed with a handgun. Officer Vela had cover available at the time of the foot pursuit and elected not to seek cover behind parked vehicles and ran on the sidewalk directly behind Frazier Jr. While doing so, Officer Vela ran with his firearm drawn, holding his handheld police radio in his support hand and possibly is observed on BWV with his service pistol drawn in a low ready position in close proximity to Officer Villegas's lower extremities. Officer Vela had limited options for cover when he repositioned from a parked vehicle to a small wall, creating a potential crossfire with other GND personnel. Based on the totality of Officer Vela's tactics, the UOFRB minority recommended that the Tactics findings for Officer Vela be classified as Administrative Disapproval/Out of Policy.

The UOFRB majority reviewed the same set of facts and noted that although Officer Vela did not utilize the available limited cover afforded to him while in foot pursuit of Frazier Jr., Officer Vela's primary concern was to immediately stop the threat posed by Frazier Jr. to the community. Officer Vela was conscious of his surroundings and aware that cover was readily available nearby. Although Officer Vela stated that he was in apprehension mode of Frazier Jr., his actions of not closing the distance between himself and Frazier Jr. while in foot pursuit, demonstrated that he did not have the intent to apprehend Frazier Jr., and was merely attempting to keep a visual of Frazier Jr. The UOFRB majority considered that Frazier Jr. was not in close proximity to Officer Vela and was running at a much faster pace. At no time did Frazier Jr. turn and confront Officer Vela with a weapon. Additionally, the UOFRB majority considered that Officer Vela's decision to move forward and utilize a small block wall as cover was solely to gain a better vantage of Frazier Jr.'s hands and handgun in order to accurately assess the tactical situation. The UOFRB majority did not consider Officer Vela as having covered officer Villegas with his service pistol as Officer Vela moved behind a vehicle. The UOFRB majority opined that Officer Vela's tactical decision regarding utilization of cover was reasonable with no Department policy violation and did not unjustifiably deviate from Department approved tactics.

The Chief would have preferred that Officer Vela utilize the best available cover afforded to him throughout this tactical situation. The use of cover provides officers the necessary protection required to utilize their available time and resources to assess tactical situations and proceed with the best possible tactical option.

Based on the totality of the circumstances, the UOFRB majority determined, and the Chief concurred, that while identified as an area for improvement, Officer Vela's

actions were not a deviation from approved Department tactical training. The Chief directed this to be a topic of discussion during the Tactical Debrief.

- **Utilization of Cover** (Substantial Deviation with Justification, Detective Whitney.)

Cover is defined as any object or structure that will stop the opponent's bullets. Officers should attempt to move to and use available cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding area can be used as cover and what type of cover is required to stop specific rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department, Basic Firearms Manual, July 2015).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Los Angeles Police Department, Training Bulletin, Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017).

Detective Whitney moved away from cover after he fired his first round.

According to Detective Whitney, he observed from his peripheral view the pursuing officers approaching Frazier Jr. from the north of Kester Avenue. Frazier Jr. was still moving and holding the gun in his right hand. Detective Whitney stepped around to the front of his vehicle and took two or three steps towards Frazier Jr., to close the distance and to better assess Frazier Jr.'s actions. Detective Whitney's decision to move up from his original position would allow him to deliver more effective shots, if needed. Detective Whitney remained away from cover when he fired the second and third round. After firing the third round, Detective Whitney then redeployed to the passenger side of his vehicle, using the engine block as cover.

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their own exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options by using available cover.

The video captured by KTTV Fox 11 Los Angeles news captured a portion of the OIS. The video captured Detective Whitney's second and third gunshots. The video depicts Detective Whitney standing in front of this vehicle, pointing his shotgun at Frazier Jr., who was lying on the sidewalk. Frazier Jr.'s head was pointed in a southwest direction, his feet pointed toward the curb of Kester Avenue, and his back was toward Detective Whitney.

The UOFRB noted Detective Whitney left his position of cover behind his vehicle to close the distance and to better assess Frazier Jr.'s actions. Detective Whitney also recognized that officers that were in foot pursuit of Frazier Jr. would be approaching from the north and by moving to a better position, would lessen the possibility of a crossfire situation. The UOFRB considered that Detective Whitney was in close proximity to available cover from his vehicle and moved away from cover in order to improve his vantage point of Frazier Jr.'s handgun and assess the tactical situation. The positioning of Frazier Jr., lying on the ground with his back towards Detective Whitney, allowed for Detective Whitney to better assess his actions, and at the same time observe the approaching officers. Detective Whitney's position allowed him to have a better observation to accurately assess the threat posed by Frazier Jr. Detective Whitney's assessment of Frazier Jr.'s actions led to two additional rounds being fired in order to stop the deadly threat posed by Frazier Jr. to the other responding officers. The UOFRB noted Detective Whitney immediately redeployed to the passenger side of his vehicle and utilized his vehicle's engine block as cover after the third round was fired.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, Detective Whitney's decision to leave cover was a substantial deviation, with justification, from approved Department tactical training. In order to enhance future performance, the Chief directed that this topic be discussed during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Shotgun Manipulation While Seated Inside a Vehicle** – Detective Whitney held his loaded shotgun between his legs, while seated in his vehicle, and proceeded to drive to the area where he waited for Frazier Jr. to approach. Officer Whitney is reminded the importance of officer safety and to adhere to the best practices in order to mitigate the instances that could lead to an unintentional discharge due to shotgun placement. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.
- **Preservation of Evidence** – As Frazier Jr. was being handcuffed during the continued tactical incident, Officer Palomino picked up Frazier Jr.'s handgun prior to being instructed by Sergeant Lankford to leave the handgun in place. Officer Palomino is reminded of maintaining integrity at the scene of a Categorical Use of Force and the importance of preserving all evidence for investigators. The Chief directed this be a topic of discussion during the Tactical Debrief.
- **Simultaneous Non-Conflicting Commands** – The FID investigation revealed that Officer Vela and multiple unidentified officers gave multiple non-conflicting simultaneous commands to both Frazier Jr. and Duhaney after the OIS. Duhaney was given multiple commands by multiple officers to move away from the area. Frazier Jr. was given multiple commands by multiple officers to "let go of the gun." Although the commands were non-conflicting, the officers are reminded that

simultaneous commands can sometimes lead to confusion and non-compliance. The Chief directed this be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

According to Detective Phillips, he was the supervisor for the incident and the IC after the OIS. Detective Phillips was involved in the initial planning of the operation and directed Officer Romines to complete an Operational Plan. Prior to the Operational Plan being approved by Captain Oddo, Detective Phillips directed GFU personnel to deploy and set up the surveillance around Frazier Jr.'s apartment. After Officer Romines completed the Operational Plan, Officer Romines emailed it to Detective Phillips who then forwarded the Operational Plan to Detective Oderinlo and Lieutenant Baley. According to Detective Phillips, before he left VNYS CPS to join the surveillance, he met with Sergeant Mojica, who provided him the telephone

numbers for Officers Kim and Gutierrez. Detective Phillips stated he made telephonic notification to Officers Kim and Gutierrez and advised them GFU personnel were en route to set up the surveillance and briefed them of the Operational Plan to allow Frazier Jr. to walk away from the apartment building and to move in when requested to conduct a high-risk pedestrian stop. Once the surveillance team was set up at the location, Detective Phillips notified CD, placed the GFU Code Six and requested a Code Five around 5461 Kester Avenue. When Officer Vela and Villegas arrived at the location and relieved Officers Gutierrez and Reese, Detective Phillips briefed Officers Vela and Villegas of the Operational Plan over the phone and sent them a text message photograph of Frazier Jr. Shortly after the OIS, Detective Phillips relinquished the duties of IC to Sergeant Lankford.

In this case, Detective Phillips reviewed and approved the Operational Plan formulated by a subordinate officer which intended to utilize GND personnel in plain clothes to maintain surveillance on Frazier Jr. and have a single patrol unit available to conduct a pedestrian stop of Frazier Jr. who was known to be armed and was an identified robbery and murder suspect.

The Chief was critical of Detective Phillips' decisions to approve an Operational Plan that was inadequate, did not designate roles to personnel, did not utilize available resources to establish a perimeter or arrest team, and did not consider additional contingent tactical strategies to minimize risk to the community and allow the involved personnel to have an optimal tactical advantage.

The actions of Detective Phillips were not consistent with Department supervisory training or the Chief's expectations of a tenured field supervisor during a pre-planned critical incident.

According to Sergeant Tafoya, once he assumed Watch Commander duties, he called Detective Phillips and discussed his expectations regarding the involvement of Van Nuys Patrol Division officers who were assisting him with the surveillance operation. Sergeant Tafoya discussed vehicle pursuits, containment, and perimeters in the event Frazier Jr. fled the location. Sergeant Tafoya stated he was satisfied with the verbal Operational Plan. Sergeant Tafoya directed Officers Vela and Villegas to relieve Watch Three Officers Gutierrez and Reese, who were already in the area of Frazier Jr.'s apartment. Sergeant Tafoya notified, Captain Chandler via email of the Operational Plan. Sergeant Tafoya indicated he contacted ASD, briefed the surveillance operation, and requested for the Air Unit assigned to OVB to assist with the surveillance operation. After the OIS, at approximately 1027 hours, Sergeant Tafoya arrived at scene of the OIS, was briefed of the incident by Sergeant Lankford, and assumed the responsibility of IC. Sergeant Tafoya remained IC, until he was relieved by Captain Chandler. According to Sergeant Tafoya, he and Sergeant Lankford put together a search team to search the apartment building for victims and possible family members of Frazier Jr.

According to Sergeant Lankford, she was briefed of the Operation Plan during roll call and also spoke to Officers Vela and Villegas on the phone once they got to the area of Frazier's apartment. Sergeant Lankford discussed her concern with having only two officers that were going to approach a possible murder suspect that was armed with Sergeant Tafoya. Sergeant Tafoya contacted Detective Phillips who advised Sergeant Tafoya that GFU would back up the uniformed officers until they had necessary resources and GFU would assist and support the uniformed officers. According to Sergeant Lankford he arrived at scene a few seconds' post OIS. According to Sergeant Lankford, she approached the crime scene and observed officers standing behind a parked vehicle along the west curb of Kester Avenue. Sergeant Lankford located Detective Phillips and asked him what he needed. Detective Phillips requested Sergeant Lankford assume the position as the IC. Sergeant Lankford declared herself as the IC and took over command and control duties.

Sergeant Lankford formulated a plan to handcuff Frazier Jr. and ensured the arrest team had lethal and less-lethal use of force options. Sergeant Lankford also verified the officers assigned to the arrest team knew their duties. After Frazier Jr. was handcuffed, Sergeant Lankford was made aware of the close proximity to Frazier Jr.'s residence and that the residence and area had not been cleared of possible additional victims or suspects. Due to the shooting occurring directly in front of an apartment complex and the possibility that community members may have been injured by gun fire Sergeant Lankford directed a cursory search of two apartments. Sergeant Lankford secured the crime scene and identified the command post location at a nearby gas station. Sergeant Lankford activated her BWV while responding to the OIS scene and it captured her actions as she coordinated the arrest team and Frazier Jr.'s handcuffing.

According to Sergeant Blanchard, he arrived at the location and assisted with securing the crime scene. Sergeant Blanchard was directed by Captain Chandler to take a PSS from Detective Whitney. According to Sergeant Blanchard, he separated Detective Whitney from the other involved officers, sat him inside a police vehicle, and took a PSS from him. Sergeant Blanchard then transported Detective Whitney to Van Nuys CPS, where he monitored him until relieved by Sergeant Grant at approximately 1130 hours.

According to Captain Chandler, he arrived at location after the OIS at approximately 1030 hours and took over as the IC. Captain Chandler verified Detective Whitney was the only Department employee involved in the OIS, separated him and Detective Phillips, and assigned supervisors to monitor them. Captain Chandler directed Sergeant Blanchard to take a PSS from Detective Whitney.

The UOFRB noted Captain Chandler's actions while at scene of the OIS. Captain Chandler observed Detective Phillips attempt to receive a PSS from Detective Whitney and stopped this action as both were involved in the incident. It was noted that Captain Chandler proactively managed the Command Post.

The actions of Sergeants Tafoya, Lankford, Blanchard and Captain Chandler were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

According to Captain Oddo, he reviewed and approved the Operational Plan on the morning of October 16, 2019, after it was emailed to him. Captain Oddo was notified of the OIS after receiving a phone call from Detective Phillips. Captain Oddo responded to the incident and monitored the investigation.

In this case, Captain Oddo reviewed and approved the Operational Plan formulated by a member of his command which intended to utilize GND personnel in plain clothes to maintain surveillance on Frazier Jr. and have a single patrol unit conduct a pedestrian stop of Frazier Jr. who was known to be armed and was an identified robbery and murder suspect.

The Chief was critical of Captain Oddo's approval of the Operational Plan which did not include a specific Operational Plan and lacked clear objectives. The Operational Plan did not identify each officer's specific role or expectations during the surveillance and arrest of Frazier Jr. The Operational Plan was completed on a document not approved by the Department and contained inaccurate names of the officers involved in the surveillance operation and deficient information essential to officer safety. The Chief was critical of Captain Oddo for not conducting a thorough analysis and more critical review of the Operational Plan involving a violent suspect, creating potential safety concerns for Department personnel and the community.

The actions of Captain Oddo were not consistent with Department supervisory training or the Chief's expectations of a Commanding Officer during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Detectives Whitney, Lopez, Ruiz, Sergeant Lankford, and Officers Vela, and Villegas' tactics did not substantially deviate from approved Department tactical training.

In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred that Captain Oddo's, along with Detective Phillip's actions were a substantial deviation, without justification from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

In conducting an objective assessment of this case, the UOFRB minority determined, and the Chief concurred that Officer Romines' actions were a substantial deviation, without justification from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although, it was determined that Officer Palomino was not substantially involved in this incident and did not receive formal findings, the UOFRB recommended, and the Chief concurred, that he would benefit from attending the Tactical Debrief to enhance future performance during similar incidents.

Therefore, the Chief directed Captain Oddo, Detectives Phillips, Whitney, Lopez, Ruiz, Sergeant Lankford, and Officers Romines, Vela and Villegas attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On October 29, 2019, Detective Whitney attended a General Training Update (GTU). All mandatory topics were covered.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*
- **Detective Whitney**

According to Detective Whitney, upon hearing Detective Lopez’ broadcast that Frazier Jr. exited the apartment building and while seated in his vehicle, he donned his Department issued tactical vest. Detective Whitney reached for his Department issued 12-gauge, M4 Benelli semiautomatic shotgun, which was loaded in the patrol ready configuration, located next to him on the front passenger seat of his unmarked

gray colored Dodge Caravan.⁴³ Detective Whitney slung his shotgun around his neck, placed the shotgun between his legs with the barrel facing toward the floorboard, and chambered a round into the shotgun. Detective Whitney drove to Kester Avenue, north of Clark Street pulled over to the east side curb, facing north, and waited for further information. Detective Whitney exhibited his shotgun due to his knowledge that Frazier Jr. was wanted for murder, had a criminal history of violence, and understood there was a likelihood that this situation could escalate to the use of deadly force.

Detective Whitney recalled, *“Tony called the suspect out to the front (meaning Frazier Jr exited the building), the main exit of the apartment building and he gave a clothing description. He said he’s got gray pants on and some shoes and yellow backpack, which was also worn during the murder, but no shirt. At that point, I believed it sounded like Detective Lopez was saying that he’s getting ready to leave. And so at that point, where I was seated in my vehicle, I have a - - my shotgun is to the side of me in the passenger area at a patrol ready status.”*⁴⁴

*“First, I put my vest on. Then I grabbed the Benelli. It’s in patrol ready configuration. I put it down into my - - in between my legs.”*⁴⁵

*“Put on my sling, and I charged the shotgun. So there’s one in the chamber and there were now four beanbags in the tube. And all of this I’m doing to prepare to - - for the eventual takedown that’s going to happen.”*⁴⁶

*“We knew that this - - we knew this was a murder suspect, and identified murder suspect, or used a weapon recently in the past. And he has a - - he has a criminal history of violence. And I felt like there was a likelihood that this situation could escalate to the use of deadly force which may require a shotgun. And so when I’m sitting in my car, that was the tool that I select.”*⁴⁷

“At which point, one of my partners, I believe it was Joel, Joel Ruiz, he said, “He’s running southbound on west sidewalk. He’s got a gun.” Then he repeated, “He’s got a gun.” At this point, I started moving northbound on Kester in the number one lane. And as I’m moving northbound, I can start to see his head down - - coming down the sidewalk. As I get to just south of the apartment entrance, I can see him probably 30 or 40 feet north of the apartment entrance running at full speed. And I can see the

⁴³ Patrol Ready – The condition in which a weapon system is configured with an empty chamber and its magazine is loaded to capacity (LAPD Basic Firearms Manual, Shotgun Section, Chapter 5, Remington 870 Shotgun Manipulations).

⁴⁴ Detective Whitney, Page 14, Lines 9-18.

⁴⁵ Detective Whitney, Page 14, Lines 22-25.

⁴⁶ Detective Whitney, Page 15, Lines 1-5.

⁴⁷ Detective Whitney, Page 33, Line 21 through Page 34, Line 2.

*gun swinging in his hand. It was a small black pistol that he would -- he was running southbound. I deployed. I crossed over the southbound lanes at a 45-degree angle as he's running southbound. I opened the door with my left hand, and I pinned it with my left foot. Alright? At that point, I step out of the vehicle, and I'm in a low-ready with the shotgun, and I step just to the side of the door with the -- which I -- and I felt like I had a little bit of cover from the engine block, the way I configured the car against the curb at that -- at that angle. So I tried to stay behind the engine block. And I said, "Police."*⁴⁸

- **Detective Lopez**

According to Detective Lopez, he drove his vehicle and parked near the area where the OIS occurred. Detective Lopez drew his service pistol because he knew the danger Frazier Jr presented to the public as well as to Department personnel. Frazier Jr had been observed carrying a handgun as he ran from Department personnel and believed the situation had escalated to the use of deadly force and that Frazier Jr could cause serious injury or death to members of the public and Department personnel.

Detective Lopez recalled, *"I deployed my pistol, because I believe the situation had escalated to the use of deadly force because of the suspect being armed. And not being taken into custody at that point, he would be a danger to the community or to my officers and not taking him into custody, be a danger to them, could cause -- I'm sorry. Could cause serious injury or death to any other member of the community or my partner's not taking him into custody."*⁴⁹

*"I unholstered it, exited my vehicle, because at that point I knew he was armed. I had already seen him running with the handgun."*⁵⁰

- **Detective Ruiz**

According to Detective Ruiz, he drew his service pistol when he got to the OIS location and got out of his vehicle. He was aware of the danger Frazier Jr. presented to the public and of his violent history. Detective Ruiz drew his service pistol after he heard three gunshots and believed that the situation could rise to the use of deadly force.

Detective Ruiz recalled, *"I unholstered when I got to the scene, when I got out of my car, believing that the situation could rise to the use of deadly force. It was an*

⁴⁸ Detective Whitney, Page 16, Line 8 through Page 17, Line 5.

⁴⁹ Detective Lopez, Page 72, Lines 23 through Page 73, Line 6.

⁵⁰ Detective Lopez, Page 73, Lines 8-10.

*immediate defense of life situation. I heard three gunshots. And I didn't holster my weapon until the suspect was taken into custody and there was a Code 4.*⁵¹

*"I unholstered. I was in a low-ready position until I got to where the suspect was, and I maintained a high low-ready, finger alongside of the frame."*⁵²

- **Officer Vela**

According to Officer Vela, he was aware of Frazier Jr.'s violent past which included homicide and armed robbery. Officer Vela drew his service pistol as he was chasing Frazier Jr., whom he had observed to be in possession of a handgun, and observed Frazier Jr. scanning from side to side and felt as if Frazier Jr. was going to point a handgun and fire back in Officer Vela's direction. Officer Vela drew his service pistol under his belief the tactical situation may escalate to use of deadly force.

Officer Vela recalled, *"I can hear from my radio that GND's broadcasting that they also see the - - the weapon as well. And I did hear what I believe is they put out a backup between them and Airship are broadcasting. So we - - I go in foot pursuit. Probably that first complex, the apartment complex, I can see the suspect kind of looking towards like side to side and kind of towards to see where I was at. At that point, I unholstered, just from experience from with the gang stuff, it looked like I felt that he was going to point and fire back at me. That's why I continued chasing him with my gun out."*⁵³

*"I had a reasonable belief the tactical situation may escalate to use of deadly force based off that he had a gun, then violence of the homicide and the armed robbery."*⁵⁴

- **Officer Villegas**

According to Officer Villegas, he drew his service pistol after he heard the two gunshots and knew Frazier Jr. was armed. Officer Villegas believed the situation had escalated to the point where deadly force would have been justified.

Officer Villegas recalled, *"I unholstered my pistol at that point because I was no longer running. I had heard the two gunshots, and I knew the suspect was armed. So if I perceived it to be per the situation had escalated to the point where deadly force would have been justified."*⁵⁵

⁵¹ Detective Ruiz, Page 28, Lines 2-7.

⁵² Detective Ruiz, Page 28, Lines 10-13.

⁵³ Officer Vela, Page 16, Line 15 through Page 17, Line 1.

⁵⁴ Officer Vela, Page 45, Lines 8-11.

⁵⁵ Officer Villegas, Page 35, Line 25 through Page 36, Line 4.

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Detectives Whitney, Lopez, Ruiz and Officers Vela and Villegas' Drawing/Exhibiting. The UOFRB noted that Detectives Whitney, Lopez, and Ruiz and Officers Vela and Villegas were conducting surveillance on a known murder suspect. Detective Whitney exhibited his shotgun because he observed Frazier Jr. in possession of a handgun. Detective Lopez drew his service pistol after he observed Frazier Jr. running from officers while in possession of a handgun. Detective Ruiz drew his service pistol due to his knowledge of Frazier Jr.'s violent history and after hearing three gunshots. Officer Vela drew his service pistol as he was chasing Frazier Jr., whom he had observed holding a handgun, and observed Frazier Jr. looking around as if he was going to turn and shoot in his direction. Officer Villegas drew his service pistol after he heard two gunshots and knew Frasier Jr. was armed with a handgun. During their surveillance, detectives observed Frazier Jr. flee the location on foot. Frazier Jr. produced a handgun when he observed officers and in response, officers drew their service pistols and exhibited a shotgun (Detective Whitney) to protect themselves and others from the immediate threat of serious bodily injury or death created by Frazier Jr.

As such, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Detectives Whitney, Lopez, and Ruiz and Officers Vela and Villegas, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Detectives Whitney, Lopez, and Ruiz and Officers Vela and Villegas' Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*

- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Lethal Use of Force

- Law enforcement officers are authorized to use deadly force to:
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

- **Detective Whitney, First Round** – One round, Federal Premium, 12 gauge, 2 $\frac{3}{4}$ “OO” buck, 12 pellet shotgun shell, fired in a westerly direction, from an approximate distance of 27 feet.

According to Detective Whitney, he identified himself as the police, Frazier Jr. looked at him and while holding the handgun in his right hand and began to raise the gun in Detective Whitney's direction. Detective Whitney believed Frazier Jr. was going to shoot him. In fear for his life and to protect himself from imminent death or great bodily injury, Detective Whitney disengaged the safety of his shotgun, aimed for Frazier Jr.'s center body mass, and fired one round at him.

Detective Whitney recalled, “He acquired me as a target. He looked straight at me. And that gun was coming up at me, and I was sure he was going to shoot at me.”⁵⁶

“And he looked at me, and the gun came up in my direction, and I thought - - I thought for sure he was going to shoot me. I was afraid he was going to shoot me. And fearing for my life and to protect myself from imminent, well, I don’t - - great bodily injury or death, I fired one round. And - - and, just, I disengaged the safety and I fired one round.”⁵⁷

“And one thing I forgot to mention was as I’m coming in to park my car, there’s a pedestrian right off to the side of me, right at - - in the grass south of the entrance to the apartment building. And I didn’t know what his relationship, if there was any, to the - - to the suspect, but part of my concern as I was getting off of the car was that he could potentially take this guy hostage and go run into his apartment and barricade. And at any rate, when he flashed - - when that gun came up in my direction, I pressed that round, and it was clear that I hit him, and he stumbled down to the ground. He was still holding the - - the gun.”⁵⁸

“Yeah, that first round, I totally thought he was going to shoot me. He had me - - he had locked eyes with me, and that gun was coming up. And then when he was rolling northbound, I was convinced that he was going to shoot my partners that were coming down the sidewalk. And as - - I shot those rounds to - - I fired round two and three to protect them from imminent great bodily injury or death as well.”⁵⁹

Detective Whitney, Second Round – One round, Federal Premium, 12 gauge, 2 ¾ “OO” buck, 12 pellet shotgun shell, fired in a westerly direction, from an approximate distance of 15 feet.

According to Detective Whitney, he observed Frazier Jr. trying to sit up. Detective Whitney could see Frazier Jr.’s right arm which is the hand that Frazier Jr. had the gun in. Detective Whitney was sure Frazier Jr. had that gun and was pointing it in a northerly direction toward the pursuing officers who were running on foot. Detective Whitney was fearful Frazier Jr. was going to shoot at approaching officers, in order to defend them from the imminent threat of great bodily injury or death Frazier Jr. posed on personnel, Detective Whitney aimed at Frazier Jr.’s lower, mid-right, back and fired a second shot from his M4 Benelli semiautomatic shotgun.

Detective Whitney recalled, “I could see he was moving on the ground. And at this point, I could see people coming southbound on the sidewalk that I thought it was

⁵⁶ Detective Whitney, Page 37, Lines 5-6 and Lines 8-9.

⁵⁷ Detective Whitney, Page 17, Lines 6-12.

⁵⁸ Detective Whitney, Page 17, Line 17 through Page 18, Line 4.

⁵⁹ Detective Whitney, Page 21, Lines 6-13.

*my partners, because they're -- I'm assuming the foot pursuit is going on, and I thought it was my partners coming down on him. And this -- the -- and Frazier, he -- I could see him. It looks like he's trying to sit up, and I can see his right arm which is the hand that he had that gun in. And I'm sure he had that gun. And he was pointing it in the direction down northbound towards the people that were coming, and I pressed the second round and assessed over my sights.*⁶⁰

Detective Whitney, Third Round – One round, Federal Premium, 12 gauge, 2 ¾ “OO” buck, 12 pellet shotgun shell, fired in a westerly direction, from an approximate distance of 15 feet.

According to Detective Whitney, he assessed, and believed his second shot missed, because it did not have an effect on Frazier Jr., since he continued to point his handgun in a northerly direction toward the pursuing officers. Detective Whitney, believed Frazier Jr. continued to pose a threat to the approaching officers because his second round did not stop Frazier Jr.’s actions. Detective Whitney aimed at Frazier Jr.’s back, center mass, and fired a third round from his shotgun. Detective Whitney assessed and observed Frazier Jr. collapse onto his left side, and he was no longer able to see Frazier Jr.’s handgun.

Detective Whitney recalled, “*And it didn't seem to have the -- it didn't stop him from doing what he was doing. He -- I don't know if I missed him or if maybe I didn't get him with all of the pellets or what happened, but it didn't seem to have any effect. And he continued to lean north, and I pressed a third round. And he collapsed over onto his left side.*

⁶¹

*“I pressed the second round. It didn't look like it was having any effect. Like I said, it didn't stop him from leaning forward and leaning in the direction with that gun. It didn't stop him from doing any of that.”*⁶² “*And he still, he continued to pose this imminent threat of serious bodily injury to my partners, and so I pressed that third round to stop him.*

⁶³

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Detective Whitney’s use of lethal force. The UOFRB noted that the incident was a stressful situation wherein the officers were attempting to arrest a homicide suspect that was armed with a handgun. The UOFRB noted that this was a dynamic and rapidly unfolding incident where the suspect pointed a handgun at Detective Whitney causing him to fear for his life as well as the lives of additional officers who were present at scene.

⁶⁰ Detective Whitney, Page 18, Lines 7-19.

⁶¹ Detective Whitney, Page 18, Lines 20-25.

⁶² Detective Whitney, Page 43, Lines 11-15.

⁶³ Detective Whitney, Page 43, Lines 17-19.

Detective Whitney was forced to make a split-second decision to protect himself and the nearby officers from the deadly threat. According to Detective Whitney, Frazier Jr. looked at him while holding a handgun in his right hand and began to raise the handgun in Detective Whitney's direction, prompting Detective Whitney to discharge his shotgun to protect his life. After firing his initial round, Detective Whitney assessed that Frazier Jr. continued to hold the handgun and point it at the officers who were approaching. In fear of their lives, Detective Whitney fired two additional rounds to stop the deadly threat presented by Frazier Jr.

The UOFRB also noted that Frazier Jr. was armed with a semiautomatic handgun and fleeing from uniformed officers. The FID investigation revealed that Frazier Jr. fired his weapon after being confronted and shot by Detective Whitney. Frazier Jr. had ample opportunity to disarm himself and surrender to the officers.

As such, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Detective Whitney, would reasonably believe that Frazier Jr.'s actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Detective Whitney's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

- **Required Equipment** – The FID investigation revealed that Officer Romines was not in possession of his Oleoresin Capsicum (OC) spray. Captain Oddo advised that this issue was addressed with Officer Romines through the issuance of an Employee Comment Sheet. The Commanding Officer of Detective Services Group (DSG) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, the Chief deemed no further action is necessary.
- **Profanity** – The FID investigation revealed that Detective Ruiz utilized profanity while giving Duhaney commands to move from a flower bed in front of 5461 Kester Avenue area prior to officers approaching and taking Frazier Jr. into custody. Captain Oddo advised that this issue was addressed with Officer Detective Ruiz through the issuance of an Employee Comment Sheet. The Commanding Officer of DSG and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Viewing Video Prior to FID Interview** – According to the FID investigation, prior to Detective Whitney's FID interview, Detective Whitney, while under the monitoring of Sergeant Blanchard, viewed a KTTV Fox 11 Los Angeles news' video of his OIS which was sent to him via cellular phone by Detective Jose Hidalgo, Serial No. 37553, GND. Captain Oddo advised that this issue was addressed with Detective Hidalgo through the issuance of an Employee Comment Sheet. The Commanding

Officer of DSG and the Director of OSO concurred with this action. This deviation with Detective Whitney and Sergeant Blanchard was addressed through the initiation of a personnel complaint investigation. As such, the Chief deemed no further action is necessary.

- **Body Worn Video (BWV) Activations** – The investigation revealed Sergeant Blanchard had two BWV's related to this incident. The first BWV did not have the full two-minute buffer and captured Sergeant Blanchard responding Code Three from the Van Nuys CPS to the help call. The first BWV ends as Sergeant Blanchard is receiving a PSS from an involved officer. Sergeant Blanchard's second BWV starts and ends as Sergeant Blanchard is standing at the Command Post.

This issue was brought to the attention of Captain R. Lopez, Serial No. 30058, Van Nuys Patrol Division, Commanding Officer, who advised this deviation was addressed through counseling, an informal meeting, and the generation of a Supervisory Action Item (SAI). The Commanding Officer of OVB and the Director of Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Sergeant Blanchard from June 1, 2020 through June 31, 2020, for compliance with BWV and DICVS policies. The results of the inspection indicated no buffering concerns.

The investigation revealed Officer Guajardo had two BWV's related to this incident. The first BWV did not have a full two-minute buffer and captured Officer Guajardo driving en route to the Help Call. The first BWV ends while Officer Guajardo is observed standing at his police vehicle. The second BWV starts as Officer Guajardo is standing to the courtyard of an apartment building and ends with him entering an apartment and conducting a search.

This issue was brought to the attention of Captain Lopez who advised this deviation was addressed through counseling, an informal meeting, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Guajardo from June 1, 2020 through June 31, 2020, for compliance with BWV and DICVS policies. The results of the inspection indicated two deviations from BWV policy. These identified concerns were handled through the issuance of a Notice to Correct Deficiencies.

The investigation revealed Officer Ortiz had two BWVs related to this incident. The first BWV did not have a full two-minute buffer and captured Officer Ortiz driving en route to the Help Call. The first BWV ends as Officer Ortiz is standing in the entrance of an apartment building. The second BWV starts as Officer Ortiz is

standing in the driveway of an apartment building and ends when an unidentified Department supervisor hands the BWV device to an FID investigator.

This issue was brought to the attention of Captain Lopez who advised this deviation was addressed through counseling, an informal meeting, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Ortiz from June 1, 2020 through June 31, 2020, for compliance with BWV and DICVS policies. The results of the inspection indicated no buffering concerns.

- **Body Worn Video (BWV) De-activation** – The investigation revealed Officer Villegas deactivated his BWV after the OIS and while standing in front of 5461 Kester Avenue. According to Officer Villegas, he was instructed by Officer Vela to stop his BWV after the OIS but prior to being directed to do so by a Department supervisor.

This issue was brought to the attention of Captain Lopez who advised this deviation was addressed through counseling, an informal meeting, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Villegas from June 1, 2020 through June 31, 2020, for compliance with BWV and DICVS policies. The results of the inspection indicated no buffering concerns.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – At the time of the OIS, Van Nuys Division Patrol Division uniformed Officers Vela and Villegas were the only officers at scene driving a police vehicle equipped with a DICVS. The DICVS in their vehicle did not capture the OIS; however, it did record the sounds of the shots fired. There were five additional police vehicles, equipped with DICVS, that responded to the Help Call and did not capture the OIS.
- **Body Worn Video (BWV)** – At the time of the OIS, Van Nuys Patrol Division uniformed Officers Vela and Villegas were the only officers at scene equipped with BWV. Both officers activated their BWV's, and their BWV's captured the foot pursuit, portions of the OIS, and the handcuffing of Frazier Jr. There were two, two-officer units, from Van Nuys Patrol Division at scene shortly after the OIS. All the officers activated their BWV's and captured Frazier Jr.'s handcuffing. Two Van Nuys Patrol Division uniformed field sergeants also responded to the help call. The two Sergeants activated their BWV's as required per Department Policy. Sergeant Lankford activated her BWV while responding to the OIS scene and it captured her actions as she coordinated the arrest team and Frazier Jr.'s handcuffing. Sergeant

Blanchard activated his BWV while responding to the OIS and it did not capture the OIS.

- **Outside Video/Surveillance** – According to the FID investigation, KTTV Fox 11 Los Angeles news was in the area and captured portions of the OIS on video. The video captured Detective Whitney's second and third gunshots as well as the gunshot fired by Frazier Jr. KTTV Fox 11 Los Angeles edited the video footage before it was released to its viewers. Frazier Jr.'s body was blurred at the time of the OIS. The video depicts Detective Whitney standing in front of his vehicle, pointing his shotgun at Frazier Jr., who was lying on the sidewalk. Frazier Jr.'s head was pointed in a southwest direction, his feet pointed toward the curb of Kester Avenue, and his back was towards Detective Whitney. Duhaney was standing in a planter, with his hands raised to shoulder level, south of the main entrance of 5461 Kester Avenue.

According to the FID investigation, the video footage from KTTV Fox 11 Los Angeles captured Detective Whitney firing his second round at Frazier Jr., and approximately two seconds later, Detective Whitney fired his third round at Frazier Jr. Approximately two seconds later, the sound of the gunshot fired by Frazier Jr. was heard. A small cloud of dust and debris can be seen next to Frazier Jr.'s head after Frazier Jr. fired his handgun. Detective Whitney then redeployed to the front passenger side door of his vehicle. Simultaneously, Detective Lopez stepped in front of his vehicle, which was parked in the number one southbound lane of Kester Avenue.

Force Investigation Division Detectives served a search warrant in attempt to obtain the unedited video footage from KTTV Fox 11 Los Angeles; however, KKTV Fox 11 Los Angeles's legal department refused to honor the search warrant. As of the submission of this report, the unedited video footage had not been received by FID.

On October 16, 2016, at approximately 1630 hours, Witness Joel Whitley provided an approximately 39-second-long video to FID Detective Barajas. The video was post OIS and it depicted Frazier Jr. laying on the sidewalk, handcuffed, and Officers Vela and Villegas standing next to him. Witness Whitley advised he used his cellular telephone to record the video. Detective Salguero booked the video at Information Technology Division (ITD), and he was given Sound Recording Tape Issue/Receipt No. 659432.

FID investigators canvassed the area of the 5400 block of Kester Avenue and obtained video surveillance footage from the apartment complex which Frazier Jr. resided. The surveillance camera recorded Frazier Jr. walking out of the apartment complex at 10:16:42 hours.

Chief's Direction

- The Chief directed the Director of OSO to complete a review and analysis of all GND Categorical Use of Force (CUOF) investigations dating back five years from 2015

through 2020. The Director of OSO will conduct an analysis of GND operations including requisite training, lesson plans, written Standard Operating Procedures (SOP), and the tracking of the training of personnel. The analysis will also include an assessment of the process of the completion, review, and approval of all GND Tactical Plans and Operations Plans. The Director of OSO will coordinate with the Director of the Office of Constitutional Policing to expedite the revision of the Operation Plan, LAPD Form 12.22.00 and its standardization throughout the Department.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's conclusion.

Tactical De-escalation

- The OIG concurs with the issues addressed in the Chief's analysis regarding de-escalation, including the Operational Plan's lack of detail and omission of pertinent information. Such information may have benefited the involved detectives and officers in their tactical de-escalation efforts over the course of this incident. The lack of an appropriate Operational Plan negatively impacted all components of the PATROL model of de-escalation techniques. As such, the operation that resulted in an OIS did not comport with the standards established by Department training regarding de-escalation.

BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
38872	Vela, A.	Yes	Yes	Yes	Yes	NA
43743	Villegas, J.	Yes	Yes	No	Yes	NA
40423	Lankford, A.	Yes	Yes	Yes	NA	NA
38175	Blanchard, J.	Yes	No	No	NA	NA
36380	Guajardo, M.	Yes	No	No	NA	NA
40173	Ortiz, V.	Yes	No	No	NA	NA

Additional

- Although the UOFRB recommended, and the Chief concurred, that Officer Palomino would benefit from attending the Tactical Debrief to enhance future performance

during similar incidents, the OIG noted that Officer Palomino was not included in the list of officers explicitly directed to attend the Tactical Debrief in the Chief's Report.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.
- The available evidence, including the KTTV News video, Officer Vela's BWV, the statements of the detectives and officers on scene, as well as the statements of the witnesses, supports Detective Whitney's observations that, at the time he fired his first round, Frazier, Jr. was approaching him while armed and was pointing a handgun toward him. The evidence further supports Detective Whitney's observations that, after the first round struck Frazier, Jr., he (Frazier, Jr.) was still armed and appeared to be trying to point his handgun at the other responding detectives and officers. Detective Whitney recognized the potential danger to the other detectives and officers at this point and, in their defense, he fired two additional rounds at Frazier, Jr.

The evidence in this case supports the conclusion that Detective Whitney's belief about Frazier, Jr.'s actions presenting an imminent threat of death or serious bodily injury to himself as well as the other detectives and officers present was objectively reasonable, as well as the conclusion that Detective Whitney's actions in using deadly force to defend himself and the other detectives and officers on scene from the apparent imminent threat of being shot by the suspect were consistent with policy.



Mark P. Smith
Inspector General